

The Representation of the trial of the Dukes of Monmouth and Kingston at Westminster Hall.

T H E
T R I A L
O F
R O B E R T F E I L D I N G, Esq.

On WEDNESDAY, DECEMBER 4, 1706, in the Fifth Year of the
REIGN of QUEEN ANNE,

F O R
F E L O N Y,
I N

MARRYING Her GRACE the DUCHESS of CLEVELAND;
His first W I F E being then alive;

With the PROCEEDINGS, after the TRIAL, in the PREROGATIVE COURT.

TO WHICH IS ADDED

A N A P P E N D I X

RELATING TO

The I N D I C T M E N T instituted against

ELIZABETH DUCHESS OF KINGSTON,

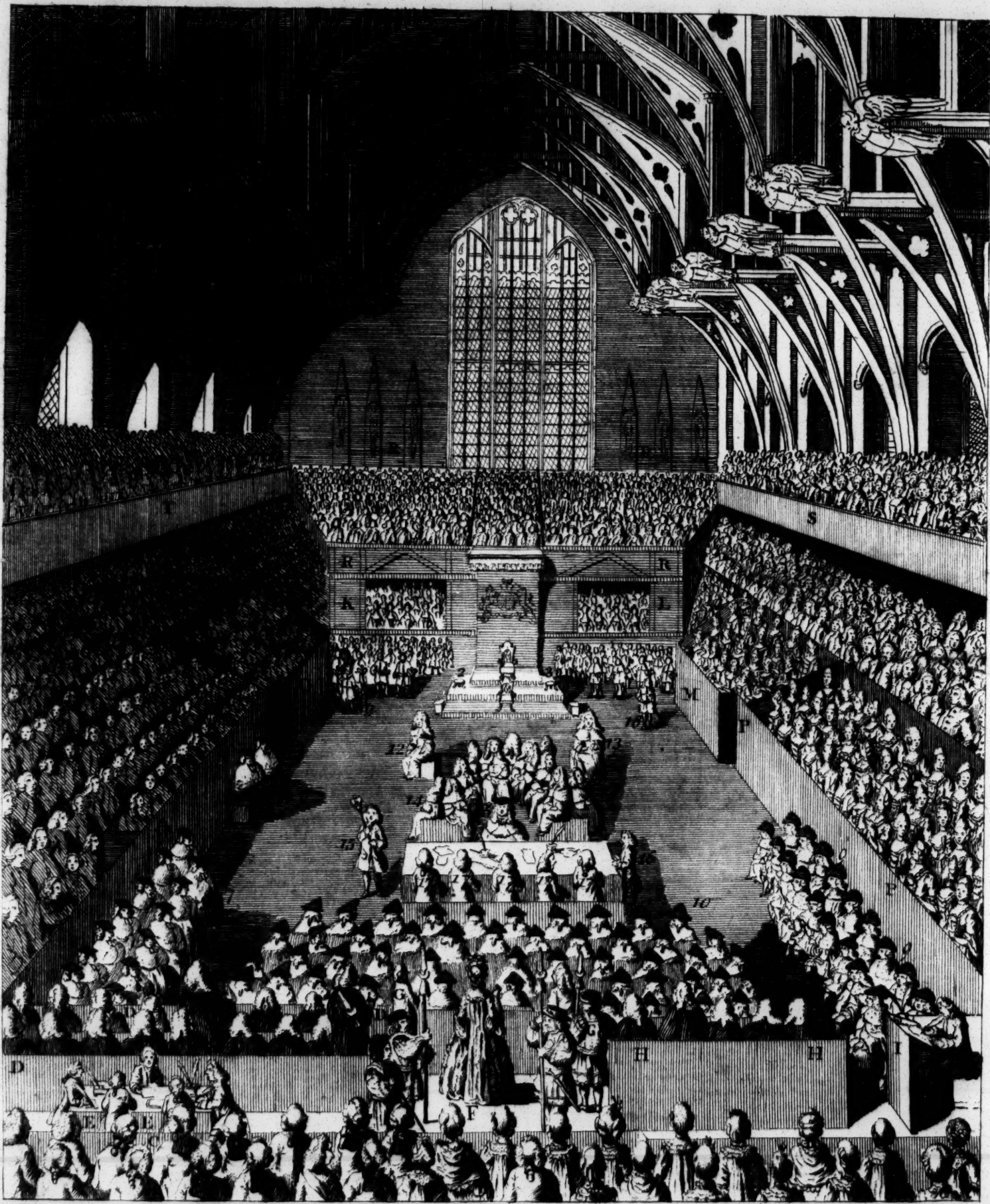
Pointing to CIRCUMSTANCES somewhat SIMILAR.

L O N D O N:

Printed for R. S N A G G, No. 129, F L E E T - S T R E E T.

MDCCLXXVI.

[Price EIGHTEEN PENCE.]



The Representation of the Trial of the Ducheſs of Kingston at Weſtminſter Hall.

H. Fielding (R.)

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EXPLANATION TO THE FRONTIS PIECE.

A PERSPECTIVE VIEW of WESTMINSTER HALL, with BOTH HOUSES of PARLIAMENT, on the TRIAL of the DUCHESS of KINGSTON.

Also a VIEW of the PEERESSES, their Daughters, the Foreign AMBASSADORS, and the Rest of the numerous Company, as they are ranged on the Scaffolding erected on the solemn Occasion.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. The King's chair on the throne 2. Prince of Wales's seat 3. Duke of Cumberland's seat 4. A chair for the Lord High Steward 5. Lord High Steward removed from his chair, nearer the bar for convenience of hearing 6. Two Archbishops 7. Bishops on two benches 8. The great officers of State, Dukes and Marquisses, on the front seats 9. The Barons seated behind the Dukes 10. Earls and Viscounts | <ol style="list-style-type: none"> 11. The remainder of the Barons seated behind the Earls and Viscounts 12. The Master of the Rolls 13. The Judges sitting on the inside of woolpacks, and the Masters in Chancery sitting on the outside 14. The Serjeant at Mace 15. Lord High Steward's Purse-bearer 16. Clerks belonging to the House of Lords 17. Four Mace-bearers and two Heralds in front, behind them Peers' sons, all of them standing 18. Four Mace-bearers, and Lord High Steward's Gentlemen, all of them standing. |
|---|---|

REFERENCES to the Scaffolding round the House of LORDS.

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|---|---|
| <ol style="list-style-type: none"> A. The Speaker of the House of Commons B. The Members of the House of Commons on the side seats C. Other Members of the House of Commons in front seats D. The Managers for the House of Commons E. The Solicitors and Clerks belonging to the Managers F. The Prisoner at the bar with the Lieutenant of the Tower on her right hand G. The Witness giving evidence H. The Prisoner's Council I. Writer taking the trial K. The King's box with a velvet chair, and Ladies on six rows of benches L. The Prince of Wales's box, with Ladies seated on six benches M. A box with benches for the Duke of Cumberland, Princesses, and their at- | <ol style="list-style-type: none"> tendants. Behind this box are three benches for the use of the Lord High Steward's family, and one bench for the Lord Chief Justice N. Another box for the Princess O. The box for foreign Ambassadors P. Peeresses and their daughters on four benches Q. Seats for Peers tickets R. A gallery at the south end of the hall, containing seventeen rows of seats, holding eight hundred and sixty people. At the north end is another gallery, filling the whole space behind the Commons and the benches for Peers tickets S. Gallery belonging to the Board of Works and the Vice Chamberlain T. Another gallery |
|---|---|

N. B. All the seats are covered, and scaffolding hung with red baize,

T R I A L

O F

R O B E R T F E I L D I N G, E s q.

AT the Sessions-House in the Old-Baily, this day came on the trial of Robert Fielding, Esq. for felony, in marrying her Grace the Duchess of Cleveland; Mary Wadsworth, his first wife, being then alive.

The court being sat, proceeded in this manner:

Cl. of Ar. Set Robert Feilding to the bar. [Which was done.

C. of Ar. Robert Feilding, hold up thy hand. [Which he did.

C. of Ar. Robert Feilding, you stand indicted by the name of Robert Feilding, late of the parish of St. James's, within the Liberty of Westminster, in the county of Middlesex, Esq. for that you, on the ninth day of November, in the fourth year of her now Majesty's reign, at the parish aforesaid, in the county aforesaid, took to wife one Mary Wadsworth, spinster, and the same Mary Wadsworth, then and there had for your wife; and that you the said Robert Feilding afterwards, viz. on the twenty-fifth of the same month of November, in the year aforesaid, at the parish of St. Martin's in the Fields, in the said county, did feloniously take to wife the

most noble Barbara Duchess of Cleveland, (the said Mary Wadsworth, your former wife, being then living); against the peace of our Sovereign Lady the Queen, her crown and dignity, and against the form of the statute in that case made and provided.

How say'st thou, Robert Feilding, art thou Guilty of this indictment, or not Guilty?

Feilding. Not Guilty.

C. of Ar. Culprit. How wilt thou be tried?

Feilding. By God and my country.

C. of Ar. God send thee a good deliverance.

C. of Ar. Call the jury. Mr. Feilding, if you except to any of the jury, you must do it before they are sworn.

Feilding. I do not challenge any of them. The jury sworn, viz.

J U R Y.

Francis Chapman,
Thomas Moody.
Peter Levinge,
Hugh Merchant,
Joseph Devenish,
Edward How,

A

Edward Boswell,
John Mills,
Richard Hazzard,
Samuel Chace,
Thomas Yeomond,
John Johnson.

Proclamation

Proclamation made, that if any can inform the Queen's Justices, and the Queen's council, of any the matters the prisoner stands charged with; let them come forth and they shall be heard.

Mr. *Raymond*, the Queen's Council. My Lord, and you Gentlemen of the Jury, I am, in this case, council for the Queen. The prisoner at the bar, Robert Feilding, stands indicted, that he on the ninth day of November, in the fourth year of her now Majesty's reign, &c. (the indictment repeated) To which indictment he has pleaded not guilty, and put himself on God and his country, which country you are. I hope if we prove the indictment, you will find him guilty.

Sir *James Montague*. My Lord, and Gentlemen of the Jury, I am of council with the Queen against the prisoner, Mr. Robert Feilding, who stands indicted for taking to wife Barbara Duchess of Cleveland, after he had before married one Mary Wadsworth, who is still alive: This is a crime that amounts to felony; and though the law doth not take away from him that shall be convicted thereof, the benefit of his clergy; yet, since it is such a crime as doth take away from the prisoner the assistance of council, I shall only state matter of fact, which is as followeth.

About a year ago, or a little better, there was a young lady left a widow by Mr. Deleau, and reputed a great fortune: Mr. Feilding thinking himself qualified for the greatest fortune, had a design upon this Lady; and in August, 1705, he applied himself to one Mrs. Streights to consult with her, and contrive some method how he might have access to court this widow. This Mrs. Streights had no acquaintance with the widow herself, but knew Mrs. Charlott Villars was acquainted with her, and used to cut her hair; so the best thing they could think of at that time, was to make Mrs. Villars their friend, that by her

means he might have admittance into the lady's company; for he did not question if the lady had but once a sight of his very handsome person, she would have the same affection for him, that he had met with from other ladies, even on their first seeing of him. Mrs. Villars was promised 500l. to bring this affair about; and though she doubted with herself, whether she could ever accomplish it, yet by these means she might perhaps make a penny of it to herself; and thereupon she promises Mrs. Streights to use her endeavour to serve the Major-General, meaning Mr. Feilding, though Mrs. Villars could not be sure such an overture would be well received by Mrs. Deleau: Yet being acquainted with one Mary Wadsworth, a young woman not much unlike in person to Mrs. Deleau, she imagined it would be no difficult matter for her to set up the said Mrs. Wadsworth to represent Mrs. Deleau; and accordingly it was done, and Mr. Feilding proved so intent upon the matter, that he went in a few days to Doctors-Commons, to see for Mr. Deleau's will (and found thereby that Mrs. Deleau was left very considerable.) And that he might judge the better whether she were truly the fortune she was represented to him, he took a copy of the said will, and soon after went to Mrs. Villars and told her, that what Mrs. Streights had said concerning Mrs. Deleau's fortune was true: And being very well satisfied with her fortune, he was resolved to get a view of her. Soon after Mr. Feilding went to Tunbridge, and after two or three days stay there, returned and called at Waddon, the place where Mrs. Deleau resided, with a pretence to see the house and gardens, but in reality it was to see the widow; he thought nothing else was then to be done, but to give the lady a sight of his handsome person he designed to lay at her feet; but it happened that the lady would not be seen herself,

herself, but the servants were permitted to show him the gardens, and he fancied himself that he had had a sight of Mrs. Deleau too; for a kinswoman of Mrs. Deleau's looking out into the garden while he was there, gave him the sight of a woman at the window, and he presently concluded it could be nobody but Mrs. Deleau admiring Beau Fielding. About three days after Mr. Feilding's return from Tunbridge, which was about a fortnight after St. Bartholomew-tide last was twelvemonth, he told Mrs. Villars of his calling at Waddon, and that he had acquainted the Duchess of Cleveland of the fine gardens that were there, and he said that her Grace had a great desire to see them, and therefore directed Mrs. Villars to go from her Grace to Mrs. Deleau, to ask the favour of her to permit her Grace to see the house and gardens. Accordingly Mrs. Villars went down to Waddon; and Mrs. Deleau treated her very civilly, and told her, whenever her Grace pleased, she should see her house and gardens; but as she was a widow she could not attend upon her Grace: But though the Duchess was expected after this, yet she did not go, for indeed she did not know any thing of the message. So the next time Mr. Feilding attempted to see her, was at a horse-race at Banstead-Downs, whither he went for that purpose, but did not see her. After this, or some time before, he sent a letter to Mrs. Deleau's house, but the servants when they saw the name to it, knowing the character of Mr. Feilding, threw it into the fire.—When Mrs. Villars found that the Duchess of Cleveland knew nothing of her being sent to Waddon, and that it was only a contrivance of Mr. Feilding's to get an opportunity of seeing Mrs. Deleau, and that in truth he had never seen her, she resolved to play trick for trick with him, and thereupon proposed the matter to Mary Wadsworth, the

woman I before-mentioned to be of her acquaintance, but one that Mr. Feilding did not know, and one that would not worst herself much by such an undertaking, whether it succeeded or not. Mrs. Wadsworth, upon the first opening of it, readily embraced the offer, and thereupon Mrs. Villars went to Mr. Feilding and told him, she had proposed the matter to the lady (Mrs. Deleau) which she at first rejected, but at last did give a favourable ear to it; and that she did not fear, but if matters could be prudently managed, his desires might be accomplished.—A little before my Lord-Mayor's Day last was twelvemonth, she told Mr. Feilding that she had at length obtained of the lady the favour of a promise of an interview, and that she was shortly to bring her to his lodgings, but he must take care not to let her know they were his lodgings, or to give her the least cause to suspect he had any thing to do there: Accordingly Mrs. Villars, the evening of my Lord-Mayor's Day, brought Mrs. Wadsworth in a mourning coach and widow's dress to Mr. Feilding's lodgings: He was not within at the time they came thither, but being sent for, came in soon after, and was extremely complaisant for some time; but at length, though he had been cautioned not to let the lady know they were his lodgings, yet he could not forbear shewing her his fine cloaths, and what furniture he had; and in a little time after sent for Mrs. Margareta to sing to her; and pretended he was so extremely taken with her, that nothing would satisfy him but being married that night; but she, with a seeming modesty, checked his forward behaviour, and made a shew of going away in displeasure; but before they parted, he prevailed upon her to promise not to put off their marriage longer than Wednesday seven-night. My Lord, Mr. Feilding rightly judged by this conversation what an interest

interest he had fixed in the lady, and looking upon himself to be sure of her, he actually went to a goldsmith and bespoke a ring, and directed himself what posie should be engraved. When the day came which had first been agreed on, sham pretences were made, not to seem over-hasty in so serious a matter, and the marriage was put off till the Friday following, being the 9th of November last was twelvemonth; at which time Mrs. Villars and the lady came again to Mr. Feilding's lodging, where he received her with an extraordinary transport of joy, and the marriage must immediately be proceeded on; but she for some time framed several puts off, and at length made an offer to have gone away; but Mr. Feilding by no means would permit her to go, without making her his own, which he was resolved should be done presently; and to make all things sure, he ran out and locked the chamber-door to keep her and Mrs. Villars in, whilst he went for a Priest; and taking coach immediately drove to Count Gallas's, the Emperor's Envoy; when he came to his gate, he enquired of the porter for one Francisco Drian, that was stiled, "The Father in Red," upon account of a red habit he usually wore; but he not being within, Mr. Feilding asked for another father; and one Father Florence was called to him, whom he acquainted with the business he came about; but whilst he was treating with Father Florence, the father in red luckily came in, and Mr. Feilding immediately took him away with him in the Hackney-coach to his lodgings. My Lord and Gentlemen, we shall shew you that this Father in Red stayed there about an hour, and then went away. We shall shew your Lordship likewise, that Mr. Feilding and Mary Wadsworth supped together, and after supper he was actually married to Mrs. Wadsworth. And that this marriage was consummate,

we shall prove by several particulars, viz. That clean sheets were laid upon the bed, and all ceremonies performed that are usual upon such occasions; and they actually went to bed together, and lay together all that night; and the next day the lady and Mrs. Villars went away, and as Mr. Feilding supposed, to Waddon, the Widow Delau's house; to which place your Lordship and the jury will find he directed his letters to her afterwards, and in the superscriptions stiles her the Countess of Feilding. To corroborate this evidence we shall likewise prove to your Lordship, that about a week after, he lay with her again at the very same lodgings; and we can make it appear that he hath lain with her three several times since this first night, twice before, and once after his marriage with the Duchess of Cleveland. My Lord, we shall shew you that he made her presents, furnished her with money, and treated her as his wife, until the cheat was found out, which was not till May after; and then finding how he had been served, that instead of marrying a fortune of 60,000l. he had been imposed upon, and married one not worth so many farthings, he discarded her in great wroth.

My Lord, we will call our witnesses, who will prove to your Lordship, step by step, how this matter was brought about; and first we will begin with Mrs. Villars.

Mrs. Villars sworn.

Mrs. Villars. My Lord, there came one Mrs. Streights to my lodgings and wanted to speak with me (it was Bartholomew-tide was twelvemonth) but I was not at home; when I came home, they told me Mrs. Streights had been there, and left word

word that I was always out of the way when it was to do myself good; she said it would be five hundred pounds out of my way if I did not come to her. I met with her and Mr. Feilding, and being acquainted with Mr. Feilding's design upon Mrs. Deleau, he asked me whether I knew the lady? I said I had no particular acquaintance with her, but I used to cut her hair: He told me that he was in love with her, and asked me whether I could assist him in his courtship? and whether a marriage might be brought about? I told him I could not tell, I did not know whether I had that interest in the lady as to be made serviceable in such a design. Mr. Feilding enquired very strictly after her, and said, he would try means to come into her company that he might gain her acquaintance: Upon which we parted at that time.—And about three days after, Mrs. Streights came to my house again, and said, Mr. Feilding would speak with me. I went to him; and he told me, he found that the lady was worth 60,000l. as he had been told before. He asked me where it was she lived? I told him, in Copthall-Court, near the Change. I told him likewise where her country-house was; that it was at Waddon in Surrey. Mr. Feilding told me, he would go to Tunbridge, and call by the way to see the gardens; and by that means he might have an opportunity of seeing Mrs. Deleau; which he did accordingly. I was sent for again; and he told me he had seen the gardens, and they were very fine: And that he saw the lady through a casement; and that she might have the more perfect view of him, he took divers turns in the garden, pulled out his watch, and set it by the sun-dial: And that he came round the country, and almost murdered his horses, to get a sight of her. But he desired to be in her company, that he might have a full view of her. He desired me to go to Mrs. Deleau, and tell

her, that the Duchess of Cleveland had heard a great character of her gardens, and was very desirous to see them.—I went and acquainted Mrs. Deleau with it: She said, she would not refuse a woman of her quality; but would take it as a great favour, to shew her any thing that belonged to her: But desired that it might not be that week, but the week following; because she was to see a race on Banstead Downs. I told Mr. Feilding this; and he made answer for the Duchess of Cleveland, and said, the Duchess was not well; and could not go to see the gardens. When I found that Mr. Feilding did not send me from the Duchess, but from himself; I was out of countenance, that I should innocently impose upon the lady. Mr. Feilding told me, he would go and see the race upon the Downs; and when he came back, he would send for me, and acquaint me whether he had seen the lady. And when he came to town again, he sent Mrs. Streights to me, to come to him; and when I came to him, he told me he saw Mrs. Deleau, he believed, upon the Downs. Mr. Feilding made a bow to them, and they to him. He said, from thence he went to Epsom, and sent a letter to be delivered into Mrs. Deleau's own hands, by a servant of his, not in a livery. I think it was accordingly delivered. Mr. Feilding told me Mrs. Deleau read it, and said it requir'd no answer; and said no more. Mr. Feilding asked me, whether I could not get a letter to Mrs. Deleau? He said, he was much in love with her. I told him, I believed he was mistaken; and that it was another whom he saw.—I perceived that he had no knowledge of Mrs. Deleau.—I acquainted a young woman (whom I supposed he might have seen) with his inclination, (Mrs. Wadsworth): She said, she did not expect to be so happy; but wished it might be so. I engaged to Mr. Feilding to do what I could to bring it about.—There

were divers letters passed between them till my Lord Mayor's Day. Divers presents were sent from Mr. Feilding, by me, to the lady. The first present was a gold apron, struck with green: That was the first present Mr. Feilding sent to Mrs. Wadsworth, whom he thought was Mrs. Deleau all the while; but it was Mrs. Wadsworth. I did not think Mrs. Deleau, who was a great fortune, would agree to marry a man of Mr. Feilding's character. Mr. Feilding kept sending of presents and letters from that time, from the latter end of Bartholomew-tide, to my Lord Mayor's Day. He sent her a suit of white fatten knots, and gloves, and other things. He desired I would bring her to his lodgings on my Lord Mayor's Day, at night; which I did about nine o'clock, in a mourning-coach. Mr. Feilding was not at home, but came immediately. When he came in, he fell down upon his knees, and kissed her, and expressed abundance of fond expressions. He asked her, "why she stayed so long?" And "whether she loved singing?" He said, he would send for Margaretta to come up. When she came, Mr. Feilding bid her sing the two songs which he loved;—which she did: The one was, "Charming Creature;" and the other, "Ianthé the Lovely." After which, Mr. Feilding sent for two pints of wine, and some plumb cakes. He urged very much to marry her; but she declined it, and made him a promise to come to him the Wednesday following. In the *interim* she sent him a letter, to acquaint him she could not come according to her appointment; but she would come to him on the Friday following, which was the 9th of November. Then he sent her another letter, to desire her not to fail, but come to his arms; and told her, that there wanted nothing but the holy father to join their happiness; for their hearts were one already. And when Friday came, Mrs. Wadsworth and I went

to Mr. Feilding's lodgings again: He was not within; but came running into the room in a little time after with a great deal of joy, and took Mrs. Wadsworth into his arms, and said, "Nothing could ease his mind, but a promise to make him happy, in marrying him presently."—He said, he would fetch the Priest; but Mrs. Wadsworth refused his proposal, and would have dissuaded him from going then; and desired him to put it off till another time, and would have gone away: But he would not hear of it; and said, she had disappointed him before; and that he had repented he had let her go away before; but now he was resolved to make her his own, before she went away. Mr. Feilding then went for the Priest, and locked the chamber-door after him, and took the key with him, for fear Mrs. Wadsworth should go away; and ordered Boucher to let nobody into the dining-room till his return. Mr. Feilding returned in a little time, and brought a Priest with him, in a long red gown lined with blue, and a long beard, and a fur cap. Mr. Feilding told her, that this was the holy father that was to make them one. Mr. Feilding then ordered the man to lay the cloth, and fetch a dish of pickles to supper.—At supper Mrs. Wadsworth seemed cautious; and for fear the Priest should not be in orders, said, "How shall I know that this is a Priest in orders?" Mr. Feilding questioned him. Then the Priest pulled a picture out of his pocket, about the bigness of a crown-piece; and told them, "That none but Priests had such pictures." And that she might be still further satisfied, she desired another token.

After this, Boucher, and the rest of the servants were ordered down stairs. Then the Priest called for water, salt and rosemary, to make holy water. Boucher brought up water and salt, but could get no rosemary. Mr. Feilding and I received

it

it at the dining-room door. Then Mr. Feilding locked the door, and took the key in the inside. Mr. Feilding asked Mrs. Wadsworth, whether it should be done in the bed-chamber, or dining-room? Mrs. Wadsworth agreed it should be in the bed-chamber. There were none present, but Mr. Feilding, Mrs. Wadsworth, the Priest, and myself. The Priest made holy water, and blessed it: Then he set Mrs. Wadsworth at the right of Mr. Feilding: The Priest stood before them, and read the ceremony in Latin, as I understood; and Mrs. Wadsworth said, "She was not yet satisfied he was a Priest." Then he laid down his book, took from under his gown a piece of silk like a scarf, that was marked with a cross in the middle; and said, none but Priests used such a thing. Then Mrs. Wadsworth was well satisfied he was a Priest. Says Mr. Feilding to her, "Do you think, my dear, that I would have any body to do this business, but the holy father?" Mrs. Wadsworth was well satisfied till he came to that part, "Wilt thou have this woman to thy wedded wife?" She desired it might be spoke in English by him, as well as he could. He did so. He asked Mr. Feilding, "Whether he would have this gentlewoman to be his wedded wife?" He said, "Yes, with all my heart." He asked the lady then, "Whether she would have this gentleman for her husband?" She said, "Yes," faintly: But, says Mr. Feilding, you don't speak it so earnestly as I do: You must say, "With all my heart and soul." Which she did. Then the Priest blessed the ring, and gave it to Mr. Feilding, to put it on the lady's finger. He said something in Latin, but what it was I know not. Then we went into the dining-room. Boucher brought up wine; and when all had drank, the Priest was discharged. Mrs. Wadsworth and I went into the bed-chamber, and I put her to bed. Mr. Feilding called her his "Dear

wife, the Countess of Feilding;" and said, he would make haste and fly to her arms. After I put her to bed, he went to bed to her; and ordered me to come into the room to see them in bed; which I did. I rose the next morning, and came to Mr. Feilding's room, where Boucher came soon after to light a fire: Then I saw Mrs. Wadsworth in naked bed with Mr. Feilding. Mrs. Wadsworth put on her cloaths as soon as she could; and a hackney-coach was called for her, and she went away. At parting with Mr. Feilding, she told him, she did not know when she could return; but about a fortnight after, she came again. There were fires made in both rooms, and candles lighted up; clean sheets upon the bed, and every thing prepared for her lying there. Mrs. Wadsworth went to bed. Mr. Feilding did not come home till late that night. I saw them that night in bed, and went into the room the next morning, and saw them in bed again: She rose, and went away as before. Mr. Feilding desired her not to stay so long as she had done before; for if she did, he would come and fetch her. She promised him she would return sooner. Mr. Feilding kept sending of letters to her between times, which was about fifteen or sixteen days, till she came to him again. He desired her to come to him, and he would be at home to receive her. She accordingly came to him, after having given him notice of her coming. He was not at home when she came; but she went to supper by herself. She had for her supper some toasted cheese, a pint of wine, and a bottle of oat ale. When he came home to her, he asked her, "Why she did not send for something better for supper?" They went to bed again, as before; and I saw them in bed together. Mrs. Wadsworth got up in the morning; Mr. Feilding treated her; and away she went as before. Then Mr. Feilding kept writing to her, [which letters
are

are inserted in their proper places] and desired her to come to him again, as being the last night she should lie with him at his lodgings; for he was going to leave his lodgings for altogether, and be with her Grace the Duchess of Cleveland. Mrs. Wadsworth came; but neither Mr. Feilding nor Boucher were at the lodgings: But she had not been there long, but Boucher came in, and said, that he had brought his master's night-gown and slippers from the Duchess of Cleveland's.

Council. Mrs. Villars, you say, most of the service was in a language you did not understand.

Villars. It was, my Lord—But one part of it was in English. I heard Mr. Feilding say, "He would take this lady to be his wedded wife."

Council. Who is that lady?

Villars. That lady, Mrs. Wadsworth; pointing at her; (She being in court.)

Council. What did you hear Mrs. Wadsworth say?

Villars. I heard her say, "That she took Mr. Feilding to her wedded husband."

Council. What did you observe else that was remarkable?

Villars. I saw the ceremony of the ring performed. I saw the Priest bless the ring with holy-water, and sign himself with the sign of the cross. The Priest held Mrs. Wadsworth by the lower joint of the finger, and put the ring on.

Council. What is Mrs. Wadsworth's Christian name?

Villars. Mary.

Council. What did he say further, when he said, "I take thee to be my wedded wife?"

Villars. He named no name, but "I take this lady, &c."—The Priest asked him, "Whether he took her with all his heart and soul?" He said, "I take her with all my heart, and soul, and blood, and every thing else."

Council. What time was this?

Villars. It was Bartholomew-tide was twelve-months, as near as I can remember to the time.

Council. Did Mr. Feilding tell you he had been at Waddon?

Villars. Yes, he did; and said, that he had seen the lady through the window, whence he fell in love with her.

Council. Why was this marriage kept private?

Villars. Because Mr. Feilding took the lady to be Mrs. Deleau.

Just. Powel. How long was it before it was discovered?

Villars. It was not discovered till the latter end of May last, or the beginning of June.

Just. Powel. When was the time Mr. Feilding was married?

Villars. It was the ninth of November was twelve months.

Council. What was the reason why the marriage was carried on so privately?

Villars. The reason was, because Mrs. Deleau had a father alive, who had in his hands a part of her fortune; and for fear of disobliging him, Mrs. Wadsworth, that went for Mrs. Deleau, was willing it should be kept private.

Council. Can you tell the reason of its being discovered?

Villars. Mrs. Wadsworth sent to Mr. Feilding for money.—Then Mr. Feilding found he had not a woman of that fortune which he took her to be. When Mr. Feilding did find it out, he took Mrs. Streights into a closet, at the Duchess of Cleveland's, and sent for me there: Then Mr. Feilding wanted to have the presents returned. Mr. Feilding then beat me, and asked me whether that was a fit wife for him? And then took a thing made of steel at one end, and a hammer at the other end; and told me, if I would not unsay what I said of his marriage with Wadsworth,

worth, he would slit my nose off: And that he would get two blacks; the one should hold me upon his back, and the other should break my bones.

Just. Powel. One would have thought you should have been afraid to have seen Mr. Feilding.

Villars. My Lord, it was not till then found out.

Sir James Montague. My Lord, I think she hath clearly proved the marriage; and that she saw them three times in bed together, in the space of six weeks after the marriage.

Mr. Feilding. By what name did Mrs. Wadsworth go?

Villars. By no name at all.

Feilding. Did I ever appear with her in public?

Villars. No, never.

Feilding. What was the first place I saw her in?

Villars. The first place you saw her, was at your lodgings, last Lord Mayor's Day was twelve months.

Feilding. My Lord, I desire it may be asked her, how she came to think that I should send such mean presents as she mentioned, to a lady of Mrs. Deleau's fortune? They were not at all suitable to Mrs. Deleau.

Just. Powel. Ay, Mrs. Villars, what say you to that? Mr. Feilding thinks it a very strange thing, that he should send such trifles to a lady of Mrs. Deleau's quality.

Villars. He did think, at that time, that he made his addresses to Mrs. Deleau; and I am sure such presents were sent; and he was really married to her, and married her for Mrs. Deleau.

Just. Powel. Mrs. Villars, Mr. Feilding desires this question should be asked you; When was the first time you acquainted the Duchess of Cleveland with this matter?

Villars. I will tell your Lordship. Mrs. Feilding that is now, told me, Mr. Feild-

ing beat her at the lodge at Whitehall, (I did not see the beating) and said, she should have occasion to bring me upon my oath, to prove that Mr. Feilding was married to her the 9th of November. I went with Mrs. Feilding to the Duke of Grafton, and told him, I was sure he was married the 9th of November before.

Just. Powel. How long was it after the beating, before you and Mrs. Feilding went to the Duke of Grafton?

Villars. It was about three weeks.

Just. Powel. Are you sure it was before that time that there was any parting betwixt Mr. Feilding and the Duchess of Cleveland?

Villars. Mrs. Feilding acquainted me with it herself, that the beating was before the difference between the Duchess of Cleveland and Mr. Feilding.

Council. Although you did not see what passed at Whitehall; whether was this before the difference between the Duchess and Mr. Feilding?

Villars. I believe it was about a fortnight, or three weeks.

Feilding. How came it to pass that it was not discovered till now of late?

Villars. It was not discovered till she sent to Mr. Feilding for money, about May, after the marriage.

Just. Powel. Why did not you apply yourself to Mr. Feilding for the reward?

Villars. I was to have no reward.

Feilding. Mrs. Villars, What reward did the Duchess of Cleveland promise you?

Villars. I never saw the Duchess of Cleveland; and I was never promised any reward.

Just. Powel. Was you not to have had a reward for helping Mr. Feilding to Mrs. Deleau?

Villars. Mrs. Streights left such word my lodgings; but I had no promise of it from Mr. Feilding.

Sir

Sir James Montague. My Lord, Mrs. Villars has given you so full an account of every thing I have opened, that all that we have to do now, is to support Mrs. Villars's evidence; and to make it appear to your Lordship, that she is right in all these particulars that she tells you of. And the better to make ourselves understood, we will go on, and give your Lordship an account how these things were carried on from time to time. But first we shall prove to your Lordship, how that after Mr. Feilding was thus married to Mrs. Wadsworth, he did actually marry the Duchess of Cleveland.

Feilding. My Lord, I do not deny my marriage to the Duchess of Cleveland.

Sir James Montague. Then, my Lord, we will not trouble you with any proof of that matter, but go on with making out the circumstances of his marriage with Mrs. Wadsworth; and we shall verify, in every particular, Mrs. Villars's evidence. And first we shall prove, that he actually took a copy of Mr. Deleau's will. For that call Mr. Searle. (Who was sworn.

Sir James Montague. Mr. Searle, give my Lord and the Jury an account of what you know of Mr. Feilding's coming to Doctors Commons, to see the will of Mr. Deleau.

Searle. My Lord, I am servant to Mr. Cottle, Proctor to the Prerogative-Office. Mr. Feilding came to Doctors Commons about the beginning of Michaelmas Term, 1705, and desired me to search, and see whether Mr. Deleau's will was come into the office, or no. I looked into the Kalendar, and found it was come in; and spoke to the Clerk, in whose possession it was, and he read it over to him; and he desired a copy of it, which I wrote out. Mr. Feilding came in three days after for it, but it was not done. I desired him to come another time; which he did, and had it.

Council. Who did he bespeak it of?

Searle. He bespoke it of me, and had the copy of me.

Council. When was this?

Searle. It was about the beginning of Michaelmas Term.

Sir James Montague. The next thing we shall prove, is, that Mr. Feilding was actually at Waddon, Mrs. Deleau's house: And we shall prove that even by Mrs. Deleau. (Who was sworn.

Council. Pray, Madam, have you any acquaintance with Mr. Feilding?

Deleau. None at all.

Council. Do you remember he came to your house in the country?

Deleau. He did about Bartholomew-tide was twelve-month.

Council. When he was there, had he a sight of you, Madam?

Deleau. No, my Lord, he was not in the house, but in the garden.

Council. Do you know Mrs. Villars?

Deleau. I do, my Lord.

Council. Did she ever come to you upon such a message, that my Lady Duchess of Cleveland and Mr. Feilding had a desire to see the gardens?

Deleau. She did so; and it was about the same time Mr. Feilding had been there, or some little time after, I believe.

Council. Did you go to the race on Banstead Downs?

Deleau. No, my my Lord.

Council. Did Mrs. Villars use to cut your hair?

Deleau. No, my Lord — her mistress did.

Council. Was there any letter brought to your house from Mr. Feilding?

Deleau. I heard there was.

Council. Who received the letter from Mr. Feilding?

Deleau. Some of the servants, but I received none; but some of the servants received it. I was then at my father's, and

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and left orders that they should take in no letters but such as came from my relations, which would come by themselves.

Council. When had you notice of Mr. Feilding's being at your house?

Deleau. My own butler came up, and acquainted me Mr. Feilding was below. He came to my house with the character of Major-General Villars. I did not see him; but here's the lady that saw him out of the window; who, it seems, he took for myself.

That Lady sworn.

Council. My Lord, we only bring this Lady to prove what the first witnesses said, That Mr. Feilding saw Mrs. Deleau thro' a window—Madam, do you remember Mr. Feilding was at Waddon, and when?

Lady. He was there about Bartholomew-tide was twelve-month. I did see him through a window, and informed my cousin of it.

Council. Then call Mr. Boucher, (who was sworn.

Council. Mr. Boucher, pray give my Lord and the jury an account of all you know of this matter.

Boucher. My Lord, I went with Mr. Feilding to my Lord-Mayor's Show last Lord-Mayor's Day was twelvemonth. He went in his chariot to Mr. Feilding's, a linen-draper's, at the Three Legs in Cheap-side. I looked into the balcony and saw Mrs. Villars there—My master came down again, and went to Sir Basil Firebrass's; from thence I was ordered to go home, and meet my master in Bond-street; which I did. He asked me whether any body had been at his lodgings to enquire for him? I said, no, and went home again. Then I found the Lady and Mrs. Villars at Mr. Feilding's lodgings. They had been there but a little time, but Mr. Feilding came in. Mr. Feilding complimented

the lady, and asked her if she loved singing? Mrs. Margareta was sent for, and accommodated this lady and Mrs. Villars with two songs. Mr. Feilding treated them with a bottle of wine and a plumb-cake—Margareta went away; and soon after Mrs. Villars and this lady went away. So, says Mrs. Heath afterwards to me, do you know what woman of quality that is in the coach? This Mrs. Heath is the landlady where Mr. Feilding lodged. Mrs. Villars and the lady went away in a coach. She was in a mourning-dress, and the coach was a mourning-coach.

Council. What time was this?

Boucher. It was my Lord-Mayor's Day was twelve-month, on the twenty-ninth of October.

Council. Well, go on, and tell what you know of the marriage.

Boucher. Not long after this, my master ordered me to be at home, to get clean sheets for the bed, wax-candles, and sconces, and fires in both rooms: He told me some ladies would be there that night; and ordered if he was not at home when they came, to tell them, that he would be there presently. Accordingly they came, and he was not at home; but in a little time he came and went up to them. Some time after that, he came down stairs in great haste, and said, Boucher, go and bespeak a dish of pickles. I did so; and brought over a cloth, and the rest of the things, and left them in the window. I staid by the stairs till he came back in a hackney-coach, with a Priest along with him in a long gown, and long beard, and a fur cap; I knew him to belong to the Emperor's Envoy; and I heard Mr. Feilding call him, Reverend Father. Then I was ordered to set the table and glassess, and wine, and things of that kind, upon the side-board. I waited at table all the while. When supper was over, Mr. Feilding ordered me to go down and fetch water, salt,

salt, and rosemary. I went and got water and salt, but could get no rosemary. Then I was ordered to go down, and they were locked in about three quarters of an hour: He then called, Boucher, says he, will you fill some wine?—I did so, and perceived upon the thumb of this lady, upon her left hand, a plain gold ring, which before supper she had not. When this was over, the Priest went away. Presently after, says Mr. Feilding, take the sheets from my bed, and lay them on the other bed, for Mrs. Villars; and see that none lye there. I told my master 'twas done. Mrs. Villars, in the mean time, put the lady to bed. When I came down to tell them of it, I saw the lady's clothes upon a stool in the chamber; and Mrs. Villars folding them up, and laying them in another room. I then light Mrs. Villars to bed, and then went to bed myself. In the morning I was called to make a fire; I then perceived Mr. Feilding and this lady in bed together. The fire being made, I was ordered to get a hackney-coach. Mrs. Villars dressed the lady hastily, and she was carried away in the hackney-coach. About a fortnight after, Mr. Feilding ordered me to prepare the lodgings again. This lady came to my master's lodgings that night, and had something for supper; my master ordered me to get ready Mrs. Villars's bed: I did so. In the morning was called down to make a fire, which I did; the curtains being open next the fire, I perceived them in bed again. I was ordered to get a hackney-coach, which I did; and they went away again. This was about the twenty-fifth of November. Soon after this, I understood by some of the Duchefs of Cleveland's servants, that Mr. Feilding was married to my lady the Duchefs. At the same time Mr. Feilding ordered me to go to Mrs. Heath's, to bring his night-gown, cap and slippers to the Duchefs of Cleveland's house, and to attend the next morn-

ing with clean linen, his wig, &c. And about, or on the fifth of December, says he, Boucher get my lodgings in order again, for I expect Mrs. Villars and the lady to be there; which accordingly I did. I was sent from the Duchefs of Cleveland's with his night-gown, cap and slippers. Mrs. Villars and the lady came accordingly that night, and had a boiled chicken for supper. Mr. Feilding and the lady lay together that night; and in the morning I saw them in bed together; and when she got up, she went away again in a hackney-coach. That was the last time I saw the lady in Mr. Feilding's lodgings.

Council. Were you at Epfom with Mr. Feilding?

Boucher. I was there with him, and went to Waddon with him to Mrs. Deleau's. Mr. Feilding went into the gardens, and walked in them.

Feilding. I would ask you, Boucher, whether the Priest that came in a red gown lined with blue, whether you did not sometimes see him dine at the Duchefs of Cleveland's house?

Boucher. I did see him there; I cannot say often; but once I am sure I did.

Just. Powel. Was not that Priest that was there that night upon which Mr. Feilding was supposed to be married, at the Duchefs of Cleveland's.

Boucher. I saw him there once.

Just. Powel. Was it before or after that supposed marriage?

Boucher. I cannot be positive whether it was before or after.

Feilding. Whose servant are you at this time?

Boucher. I am now Cook to Col. Webb's regiment.

Feilding. How came you here?

Boucher. My master desired me to go to the Duke of Grafton's house, where his Grace told me I was to justify the truth of what I knew of Mr. Feilding's marriage; that's

that's all. I was sent to England for by my master.

Feilding. I desire to know whether he did not only make Mrs. Villars's bed, but lie with her likewise?

Council. Call Mrs. Martin. (who was sworn.)

Sir J. Montague. Mrs. Martin, will you give my Lord and the Jury an account of what you know of Mrs. Villars?

Martin. I know Mrs. Villars.

Council. What do you know of her, and of any body else coming to your sister's house after Mr. Feilding?

Martin. The next day after the lodgings were taken, Mrs. Villars came and asked for the Major-General, and continued coming almost every day as long as he was at our house.

Council. What time did Mr. Feilding come first to your house?

Martin. It was the beginning of October was twelvemonth.

Council. Did you ever see any other gentlewoman come with her?

Martin. My Lord, on my Lord-Mayor's Day at night I saw Mrs. Villars come in, and another gentlewoman with her.

Council. Did you see the coach they came in?

Martin. There are others that saw the mourning-coach.

Council. What time was this?

Martin. It was my Lord-Mayor's Day at night.

Council. Where do you live?

Martin. At Mrs. Heath's, my sister's in Pall-Mall, at that time.

Council. Did Mrs. Villars and the lady continue there all night?

Martin. No, they did not.

Council. Was there any body came in afterwards?

Martin. I did not see any body.

Council. How long did they continue in your sister's lodgings that night?

Martin. I cannot tell.

Council. Did you see them there again?

Martin. The second time was about November.

Council. Who came then?

Martin. I did not see them come in; but Mrs. Villars came into the parlour, and said, that there was the same lady that had been there the night before.

Council. Did they stay then that night?

Martin. I believe they stayed there that night?

Council. Did you see them go away in the morning?

Martin. I did not see them in the morning?

Council. Did you ever see any body come at them whilst they were there in an extraordinary habit, a red gown, &c.?

Martin. There was a tall man knocked at the door in a long gown, blue facing, and fur-cap, with a long beard. He was conducted to the Major-General's, up stairs.

Council. Do you remember the supper that night?

Martin. I remember a dish of pickles.

Council. How long did the gentleman in red stay?

Martin. I know not; I did not see him go away again.

Council. Do you remember that the lady and Mrs. Villars, with a gentleman in red, and Mr. Feilding were together?

Martin. I remember when they were together, Boucher was sent down.

Council. Do you remember any bed got ready?

Martin. I remember that orders was given to his servant to make ready a bed, and to put on clean sheets.

Just. Powel. Do you believe there was any marriage that night?

Martin. I do not know any thing of the marriage.

Council. Then

Council. Then call Mrs. Heath, (who was sworn.)

Sir J. Montague. Mrs. Heath, give an account what time Major-General Feilding came to take lodgings at your house.

Heath. About the beginning of October last was a twelvemonth.

Council. Do you remember that one Mrs. Villars came to see him there?

Heath. Yes, frequently, my Lord, she has been in my parlour, and told me there frequently, that she came from a lady of quality.

Council. Did you ever see this lady.

Heath. I never saw her, my family being retired from lodgers.

Council. What discourse did you hear from Boucher?

Heath. He said that a woman of quality was there, and that she came there two or three times with Mrs. Villars.

Council. What time did you hear of that lady's being there first?

Heath. On my Lord Mayor's Day; for I dined in the city, and when I came home, my family acquainted me with it. Mrs. Villars came down to me one night, which was the night the man in red was there, but I did not see him.

Sir J. Montague. Do you know of their staying there all night?

Heath. Mrs. Villars came to me, and said that her lady was a person of quality, worth 80,000*l.* she shewed me a little picture, which she said was her lady's picture: That night she came to me, and desired that the lady and she might lie in a room up two pair of stairs; for they had staid late, and did not care to go home. I disputed it, but she said we should have no trouble, for Boucher should make the bed, and the General's sheets should serve them.

Council. Do you remember at any time after that, that Mr. Feilding came to you, and railed against Mrs. Villars?

Heath. He did come to my house, after he had discharged my lodgings, and he told me that Mrs. Villars was a very bad woman; and that she imposed a woman of the town upon him for a woman of quality.

Council. What time was it that Mr. Feilding told you so?

Heath. It was two or three months ago, but I don't well remember the time; says he, "Damn her, I do not know how she contrived it, but I saw her at a woman of quality's house in the country." He said this at that time.

Council. Let's hear it again.

Heath. Mr. Feilding told me, "That Mrs. Villars was a bitch, and had imposed a base woman upon him, instead of a woman of quality." He said likewise, "That he thought he saw the lady look out of a window of a person of quality's house in the country."

Just. Powel. Mrs. Heath, did you ever hear or believe that they were married?

Heath. I did not believe it a marriage, but a conversion; because his man came down into the parlour, and asked for salt and water, and rosemary; which occasioned these words, "Lord, (said I) I fancy they are making a convert of this woman;" because they said it was a Priest above. And his man at that time said, there was a Priest above.

Feilding. Did my man, at that time, tell you I was married to that woman, or any time else?

Heath. Nothing, my Lord; nobody told me Mr. Feilding was married at that time.

Council. Then call Mrs. Margaretta, (who was sworn.)

Margaretta. My Lord, I remember that Mr. Feilding sent for me to his lodgings in Pall-Mall; I was sent for in the evening, but I can't tell how long it was before he was married to my Lady Duchefs.

Council.

Council. What company was there in the room at that time?

Margaretta. I cannot tell.

Council. What were the songs you sung?

Margaretta. I sung several Italian songs, and one English, and that was *Ianthe the Lovely*.

Council. Who was then in the room?

Margaretta. Nobody was there then, as I remember, but the gentlewoman, Mr. Feilding, and I.

Council. What sort of woman was this you speak of?

Margaretta. She was in mourning; she had a velvet-scarf. I never heard her speak, for he desired me to sing that song, "*Ianthe the Lovely*;" for he said he had the original of it, and had translated it out of Greek.

Just. Powel. Were you then more than once at Mr. Feilding's lodgings?

Margaretta. But once; and saw no more there than the gentlewoman that sat by the fire with her back towards me. But I did not see her face, nor hear her speak.

Just. Powel. What time was it?

Margaretta. I cannot tell justly the time; it was dirty weather and dark: I believe it might be about six o'clock, but am not sure.

Feilding. My Lord, she says there was but one woman there: Mrs. Villars was not there.

Just. Powel. Name the persons that were there.

Margaretta. There was that gentlewoman in mourning, whose name I do not know, Mr. Feilding, and myself; there was nobody else that I saw; and nobody could be there, but I must see them, for I was mistress of all the doors.

Just. Powel. Did Mr. Feilding pretend it was to entertain his wife?

Margaretta. No; he desired me to come to him, and left a direction at my lodgings,

and said, there were some people of quality there; and when I came I saw none but the lady that sat by the fire.

Council. Then call Mrs. Price, (who was sworn.)

Council. Mrs. Price, do you live at Mrs. Heath's house?

Price. I do.

Council. Give an account to my Lord of the mourning-coach coming to Mr. Feilding's lodgings on Lord-Mayor's Day was twelvemonth.

Price. I saw a mourning-coach come to Mr. Feilding's lodgings at Mrs. Heath's house, but did not see the ladies come out of it; two ladies were lighted into Mr. Feilding's lodging's, Mrs. Villars and another; and Mrs. Villars followed the other lady up stairs, and immediately Mrs. Villars came down, and asked for the General: Boucher in the mean time came in, and told them he would be there presently. Accordingly he came. They continued some time, and when they were gone, the coach was gone.

Council. Was Mrs. Margaretta there?

Price. I did not see her.

Council. Do you know of any other time of their coming there?

Price. Some time after my Lord Mayor's Day, this gentlewoman and Mrs. Villars came again; at the same time Mrs. Martin told me she led in a gentleman in red, in an Armenian habit; but I cannot tell what he came there for; I think his man Boucher said he was a Priest.

Council. Whilst the Priest was there, do you remember Boucher's coming down for any remarkable thing?

Price. I remember Boucher came down, but do not remember what he came down for.

Council. How long did they stay the second time?

Price. They staid there all night; there were clean sheets put on the bed, and lodgings.

lodgings prepared for the lady and Mrs. Villars.

Council. Do you know Mrs. Villars?

Price. I did know Mrs. Villars by her coming to Mr. Feilding.

Just. Powel. Do you know what reputation Mrs. Villars has?

Price. I do not, my Lord.

Mrs. Heath called again.

Heath. My Lord I never had any acquaintance with Mrs. Villars, no more than by her coming to the Major-General. One Mrs. Howard came with her, and she has told me that she was a woman of no reputation, and that she was a singer too, my Lord.

Council. Then call Thomas Sone, (who was sworn.)

Council. What do you know of Mr. Feilding's buying a ring of you? Give us an account of it?

Sone. I know Mr. Feilding by sight, he bought a gold ring of me, but I cannot remember the time.

Council. How long ago do you think it is?

Sone. I believe it may be a year ago.

Council. Was there any posie in it?

Sone. Yes, I graved the posie whilst he took a turn in the alley: The posie was by his direction, (*Tibi Soli.*)

Council. Who did you deliver this ring to?

Sone. I sold it out of my glass to Mr. Feilding.

Council. Swear Mr. Wilkins, (he was sworn.)

Council. What do you know of Mr. Feilding's buying a ring of Mr. Sone? The time when this ring was bought?

Wilkins. It is about a year and two months ago; I was by when the gentleman gave direction for it; and I saw him write down (*Tibi Soli.*)

Council. Then swear the Register of Doctors-Commons.

The Register of Doctors-Commons sworn.

Council. Shew the Register the ring.

Register. My Lord this ring was brought by my Lady Duchefs's Proctor with the letters.

The ring produced, and shewn to Mr. Sone the goldsmith, who deposed, that that was the ring which he made for Mr. Feilding; and the posie the same which Mr. Feilding directed.

Council. How do you know it to be the same which you sold to Mr. Feilding?

Sone. I know it to be the same by my mark and work.

Mr. Cooke, Proctor, sworn.

Cooke. My Lord, there was a ring brought, it is the same that was exhibited in court, and the ring was brought first of all by the lady, Mrs. Feilding; it was afterwards in the custody of my brother; my brother brought it to me, and I delivered it to the Register, and believe it to be the same ring by the posie (*Tibi Soli.*)

Council. Now, my Lord, we shall prove Mr. Feilding's coming to Count Gallas's for a Priest.

Call Constantine Pozzy, (who was sworn.)

Council. Where do you live?

Pozzy. I am servant to the Emperor's Envoy.

Council. Do you know Mr. Feilding?

Pozzy. I know General Feilding by sight; I remember one night he came and asked for the Father in Red? I told him that he was not within; then he asked for Count Gallas's Almoner (meaning Father Vanderber, his Lordship's first Chaplain), but he happened not to be within neither. I told him that Father Florence, one of the Chaplains, was within. Then said Mr. Feilding

Feilding call him to me; I did so. Upon which Mr. Feilding gave me half a crown. Mr. Florence came immediately to Mr. Feilding.

Council. Was there a Priest at that time in red that had a long beard.

Pozzy. My Lord had such a Priest then; after Mr. Florence and Mr. Feilding had been discoursing some time in the hall together, Mr. Florence went up stairs to Count Gallas; whilst Mr. Florence was up stairs, the Father in Red came in; I saw Mr. Feilding and the Father in Red go away together in the hackney-coach before Mr. Florence came down.

Council. What time was this?

Pozzy. It was in November, the beginning of it.

Council. Did you hear what Mr. Feilding and Mr. Florence did discourse of?

Pozzy. No, nothing.

Council. Then swear Mr. Florence, (who was sworn.)

Council. Give my Lord, and the jury an account of what you know of Mr. Feilding's coming to you?

Florence. I have seen Mr. Feilding.

Council. Upon what occasion had you any discourse with him?

Florence. It was on Friday night, post-night, about the beginning of November, Constantine Pozzy came under my chamber-window, called to me, and said, here is Major General Feilding, he wants one of the Chaplains, he desires to speak with you. I went to him immediately, and introduced him into the hall. The Major General spoke to me in French. Sir, says he, I come here to look for the Father in Red; but I understand he is not at home; you will do as well, be pleased to go along with me. He told me he had courted a young lady for some time, and now found her well disposed, and therefore desired me to go along with him to marry them. I understood there had been some treatment be-

tween him and the Duchess of Cleveland, and therefore I asked him whether it were to the Duchess; he did not inform me. I told him I did not care to do any thing out of the house; and desired him to let me ask my Lord; says he, give my service to Count Gallas, and tell him. I went up to him and spoke to him, and told him the business Mr. Feilding came about. He bid me, says he, What you do, do it wisely. When I came down Mr. Feilding was gone, I was told that the gentleman in Red came in, and that Mr. Feilding and he were gone away together.

Council. That which he would have you to do, was to have married him with a certain lady, was it not?

Florence. It was so.

Council. What time was that?

Florence. It was upon Friday, I am sure.

Council. Had you any discourse with Mr. Feilding after this?

Florence. The next Sunday after this, says he, I give you many thanks for the last favour. I knew of no other favour I did him but this.

Council. Then call Matthew Paul, (who was sworn.)

Council. Do you give my Lord and the Jury an account of Mr. Feilding's beating a gentlewoman; and if any marriage was claimed at that time by a gentlewoman.

Paul. Mr. Feilding came to Whitehall-Gate in a chariot, he litt out of it. There was a hackney-coach brought two women, one of these women got out of the coach and came up to Mr. Feilding: Mr. Feilding called her bitch; the lady called him rogue, and said she was his "lawful wife;" at that Mr. Feilding having a stick, he punched it at her; it happened upon her mouth, and made her teeth bleed. He ordered the centry to keep her 'till he was gone, and he would give them a crown. She said, as I told you before, that she was

E

his

his "lawful wife," and for that reason they did not care to meddle with her.

Council. Sir, do you know what time this was?

Paul. I cannot justly tell: It was as near as I can judge, about the latter end of May.

Council. Pray call Mrs. Feilding, and let the witness see if he knows the woman again that he saw Mr. Feilding beat.

Mrs. Feilding called into court.

Council. Is this the woman you saw?

Paul. This is the woman, my Lord, I really believe.

Council. Then swear Mr. Seymour, (who was sworn.)

Council. Do you know Mr. Feilding?

Seymour. Yes, Sir.

Council. Do you remember his beating any woman at Whitehall-Gate?

Seymour. Yes, Sir.

Council. What time was it?

Seymour. It was in the last summer, but I cannot be positive to the time.

Council. Do you know the gentlewoman when you see her?

Seymour. Yes I do; that's the gentlewoman (pointing to Mrs. Feilding) I am sure of it.

Council. What did she say to Mr. Feilding?

Seymour. She said to him you are a rogue, I am your "lawful wife."

Council. Then swear Captain Eaton, (who was sworn.)

Council. Captain, do you know any thing of Mr. Feilding's beating a woman?

Capt. Eaton. I was at the King's-Arms Tavern, and whilst I was there, the drawer came to me, and told me there was two women would speak with me; this woman (pointing at Mrs. Feilding) and another, whom she called mother. She told me she was married to Mr. Feilding, before he was married to my Lady Duchess; and desired

me to acquaint my Lord Duke of Northumberland with it, that the Duchess of Cleveland might know of it: I told her I did not design to concern myself about it. She told me she had been much abused by him.

Council. What time was this?

Capt. Eaton. It was some time before the 18th of August; it was the latter end of June, or beginning of July.

Council. Was it before the difference between Mr. Feilding and my Lady Duchess?

Eaton. It was before that time.

Council. Now we shall produce Mr. Feilding's own letters, where under his hand your Lordship will find he took Mrs. Wadsworth for Madam Deleau.

Divers letters produced in court.

Council. Call Mr. Lilley. (He appears.)

Council. Do you know these letters to be Mr. Feilding's hand-writing?

Lilley. I am a stranger to his hand.

Boucher called.

Council. Can you read and write?

Boucher. Yes, my Lord, I can.

Council. Do you know these letters to be Mr. Feilding's hand-writing?

Boucher. This is his hand, I believe. I have seen him write an hundred times; I have had the curiosity to observe his hand, and this is his own writing?

Council. Then swear Frances Beale, (who was sworn.)

Council. Do you know Mr. Feilding's hand-writing?

Beale. I do, my Lord.

Council. Do you know that letter to be his hand?

Beale. I have seen him write several times, and believe it to be his hand.

Council. No, my Lord, we will beg the favour to read these letters, and first of all, one directed

To

To the Countess of Feilding.

Sunday Night.

I Hope my dearest wife will easily believe that nothing can be welcomer to me than the assurance of her health; but as I received hers but this day, I could not have the felicity of seeing her to-morrow, and she have notice of it; therefore if she thinks fit on Thursday next at four a-clock, I will see her at Puggy's, and there endeavour to repair this tedious absence.

Eternally Your own Feilding.

Another Letter proved to be his Hand by Boucher and Beale.

To my Dearest Wife, the Countess of Feilding.
Friday.

I Had return'd my dear wife's favour long before now, but my Lady Duchess's sickness on one hand, and more than ordinary business (of which I will give my dear a particular account) on the other hand, has not given me a moment of time to write to my love. Puggy brings you the set of knots you desired, and the pattern of the damask; or if my dearest wife wants any thing else, she may with pleasure command it; for I am never so well pleased as when employed by my dearest wife, and must be ever her affectionate husband, till death,

Feilding.

Another Letter proved by Boucher and Beale.

Nov. 27, 1705.

The last letter I had from my dearest wife has mortified me much, finding, that notwithstanding all my kindnesses, she taxes me with coldness in my letters, which I call Heaven to witness I never in the least intended; and beg my dearest to give me some warning before she taxes me of unkindness. Puggy tells me that my dear designs to come to town to-morrow, which I hope

she will put off till another day, because I am obliged to be at her Graces to-morrow all the afternoon, and till late at night; but any other day my dear shall find she is always welcome to the arms of him who loves her more than life itself; and I shall never fail of giving her fresh proofs that I am,

Her loving and affectionate Husband,
Feilding.

Just. Powel. It is plain it is his hand; and that he wrote to one whom he terms his wife.

Council. Do you know these letters to be writ by Mr. Feilding, and sent to his wife?

Villars. I have seen them before, and I believe them to be Mr. Feilding's hand. I saw Mr. Feilding write them, as well as I can see by my eyes; and when he had writ them, he delivered them into my hands, and ordered me to deliver them to his dear wife.

Council. What does he mean by Puggy in his letters? Who is Puggy?

Villars. He used to call me Puggy.

Council. My Lord, we have done for the present, (having proved clearly his marriage with this woman) without Mr. Feilding denies his marriage to the Duchess of Cleveland.

Feilding. My Lord, I own my marriage with the Duchess of Cleveland.

Just. Powel. Mr. Feilding, you have heard from the evidence that hath been given against you, that you were married to another woman, before you were married to the Duchess of Cleveland: And now is the time to make your defence.

Feilding. All the evidence against me, consists in what Mrs. Villars hath said: She is the only evidence that swears positively to this fact; the rest are very inconsistent with themselves. I beg of your Lordship, in a case so nice as this is, where my

my honour and reputation, and every thing that is dear lies at stake, that the evidence in this cause may be clear and positive. Mrs. Villars, my Lord, hath forsworn herself; i. In that she swears she cut Mrs. Deleau's hair: Mrs. Deleau takes notice that she never cut it. And as to her reputation, it is so bad, that when our witnesses are heard, I hope your Lordship will see little reason to believe any thing she says to be true. My Lord, we will prove, that she hath been in custody of a master of Bridewell; that there she hath received the correction of the house; therefore I think she is not fit to appear as evidence in this court. She swears, that the singing-woman was at the marriage; but it appears she was not, for the singing-woman contradicts it. And as to this Mrs. Wadsworth, who they set up, she was married to another man, one Bradby.

Just. Powel. I must deal plainly with you, Mr. Feilding from the proof: I cannot speak of Mrs. Villars's credit, for she is an ill woman (no doubt) from her own evidence, in that she put a false woman upon you: But her evidence is well supported by circumstances of time and place; and all of them put together, bid fair for a proof, that you were married to this woman. You may call what witnesses you please to Mrs. Villars's reputation, and they may be heard. No woman of reputation will bring a mean woman to a man, instead of a person of quality. I think you say, Mrs. Wadsworth was married to another man at the same time; Indeed that will be to the purpose, if you can make it out.

Feilding. My Lord, I can. She was married to another husband, one Bradby. Call Elizabeth Basset.

[Who was sworn.

Just. Powel. Do you call this woman to be witness to the marriage?

Feilding. My Lord, I do.

Just. Powel. Do you know Mrs. Wadsworth?

Basset. My Lord, I do not know her from another woman; but there was a certain woman, two or three months ago, came to take a name out of the register-book.

Council. What register do you speak of?

Basset. The register of marriages in the Fleet.

Council. Who keeps that book?

Basset. I keep it at present: My father-in-law is the keeper of them; but he is sick, and therefore he hath left them in my charge.

Council. Where is your father?

Basset. He is not able to appear.

Council. Do you keep them in your custody?

Basset. Yes, I do.

Council. Does no body else come at them but yourself?

Basset. No, not this twelvemonth; since they have been in my keeping.

Council. Who then makes the entries?

Basset. These were my father's books when he was in health.

Council. What can you say of this woman?

Basset. I do not know her. But some time ago there was a woman came to my house: She told me, she wanted to speak with Mr. Basset. I told her, she could not speak with him. She pressed to speak with him: But when I told her he was ill, and could not be spoken with; says she to me, here is a marriage in your book, of one Lilly Bradby and Mary Wadsworth. Says she to me, if you will put it out of your book, I will give you a piece of money.

Council. Is this the woman that made you this offer?

Basset. I will not swear to the woman: I never saw her but that one time, my Lord. I am not positive in the matter; but I believe it is.

The

The certificate of the marriage read.

Lilly Bradby married to Mary Wadsworth, the 28th of October, 1703. The man of St. James's, the woman of St. Margaret's Westminster.

Just. Powel. Who used to write down the certificates in the register-book?

Basset. Several people, my Lord, we hired to do it.

[The place of the register shewn Mrs. Basset.

Council. Have not you yourself looked upon this place now given as evidence?

Basset. Yes, I have.

Council. Whose hand is that?

(Pointing to the certificate.

Basset. It is my father-in-law's; he that was clerk of the Fleet.

Council. Is the whole leaf of his handwriting?

Basset. I cannot tell.

Just. Powel. Can you read writing?

Basset. Yes, my Lord.

(The certificate viewed by the court, and proved to be a different hand from the rest.)

Council. There are hands various in this book.

Basset. My husband's brother used to make entries sometimes.

Sir James Montague. Does your husband's brother use only to make entries at the latter end of the book?

Basset. I do not know.

Council. Do you know when the entry was made?

Basset. I do not know when the entry was made.

Council. Do you remember, that there were any gentlemen with you to examine the book?

Basset. Yes, Sir, there were.

Council. Did you shew them this very book?

Basset. I did not; because Mrs. Wadsworth said there would be some trouble about it.

Council. Have you several registers at the same time?

Basset. Yes, there are several ministers, and therefore are entries made in several books.

Council. Why were you so friendly to Mrs. Wadsworth; when the gentlemen came to examine the book for this register, and you shewed them other books instead of this?

Basset. I did not shew them that, because Mrs. Wadsworth desired me.

Council. What did Mrs. Wadsworth give you?

Basset. She gave me nothing. I will not say it was Mrs. Wadsworth.

Council. Do you remember you shewed any books to these gentlemen, where there were marriages registered in 1703?

Basset. The book is at home, in my house.

Council. Do you keep two books for the register of marriages, for one and the same year and time?

Basset. There are several books, and we enter sometimes in one, and sometimes in another; by reason that there are several ministers, and each hath his particular book.

Council. Did the gentlemen ask you at that time, whether there were more books of marriages?

Basset. I do not remember.

Council. How many books have you of that year?

Basset. But two.

Council. Did you shew them any false book? That is, did you shew them a false register of marriages for a true one?

Basset. I know nothing of that.

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Feilding. Call

Feilding. Call Mrs. Drinkwater.

[Who was sworn.

Just. Powel. Do you know Mrs. Villars?

Drinkwater. I have known her above a year.

Just. Powel. What is her character and reputation?

Drinkwater. I know nothing of that— But I know so far of her, that she said she was married to Colonel Feilding on the 5th of November; she accordingly gave it out that she was with child by him. And that she told me, that the Duchess of Cleveland proffered to give her 200l. and 100l. a-year, for fifteen years, if she would prove a marriage with Mr. Feilding: But that she would do more for Mr. Feilding for 40l. than she would for the Duchess of Cleveland for a much greater sum. And said, it was purely want, that made her comply with my Lady Duchess's desire. I have read all the letters between Mrs. Villars and the Colonel; and I never heard of any marriage between Mrs. Bradby and Mr. Feilding, but between Mr. Feilding and Mrs. Villars.

Council. When was this discourse between you and Mrs. Villars.

Drinkwater. I cannot tell exactly the day, but the time they were married was the fifth of November was twelvemonth, as she said.

Sir James Montague. You pretend to say, she said, that if Mr. Feilding gave her 40l. she would do more for him, than she would do for a greater sum from my Lady Duchess. How long was this ago when she said this?

Drinkwater. It was about three months, or better.

Council. Where was this discourse, pray?

Drinkwater. It was at her lodgings, when she lodged at the back-side of Red-Lion Square, at a widow gentlewoman's house.

Council. How came you to be there when this discourse was?

Drinkwater. She, sometime before, gave me an invitation to her lodgings; and I went to give her a visit, and then this discourse happened.

Council. Who was by then?

Drinkwater. None but I and she. She said it was want and necessity, that made her act after this manner.

Feilding. Did she not send for you, to tell you she was going to forswear herself.

Drinkwater. She talked of it first.

Council. When did you tell the Colonel of it?

Drinkwater. I do not know justly the time.

Council. How long have you been acquainted with Colonel Feilding?

Drinkwater. Not but since this thing happened. I never had any further conversation with him, than to speak in her behalf to him. But I have this further to say; that an outlandish man came to me about a fortnight's distance, and said, if I could do any thing on the behalf of the Duchess of Cleveland, it would be a considerable sum of money in my way.

Council. Where do you live yourself?

Drinkwater. I live in the same house where Mrs. Villars lodged: I am a servant to one Captain Howard; my master is now in the service.

Council. Who lives in the family?

Drinkwater. We have none but a footman and my master.

Feilding. Call Mrs. English.

(Who was sworn.

Just. Powel. What have you to say?

English. My Lord, I went down to Mrs. Villars's lodging the morrow after last Valentine's day, for some money, for I washed for her; says she, I have none at present. She told me, she would send to her spouse for some. A gentleman came in and said, I have

I have none for you: Says he, my master says, if a crown will do, he will send it you out of charity; but he cannot supply your extravagancies. On the 5th of November, she said, she was married to Mr. Feilding; and she said, she would have money from Mr. Feilding, or she would send her soul to the devil.

Feilding. Call Mrs. Fletcher. (Who was sworn) Give my Lord an account of what you know of Mrs. Villars.

Fletcher. All I know of her and Mrs. Bradby, is, Mrs. Villars lived with me a twelvemonth. She told me she had had two bastards; one by my Lord Torrington, the other by my Lord Stamford.

Just. Powel. How long was this ago, that she was at your house for a twelvemonth?

Fletcher. It was about four years ago. She confessed she had had two bastard children; and that she had been in Bridewell. I have nothing more than from her own tongue, that she was a very infamous woman.

Sir J. Montague. Mistress, how long have you been acquainted with Mrs. Villars?

Fletcher. She was recommended to me by one in the court, and by her good behaviour.

Sir J. Montague. Would you have a correspondence with a woman that had two bastards? Pray what is your way of living in the world?

Fletcher. My husband is a broken mercer; he allows me 20l. a-year.

Council. What vocation are you of?

Fletcher. I drive little trade, but work plain work.

Sir J. Montague. You are acquainted with Mr. Feilding, are you not?

Fletcher. I know him.

Council. How long have you known him?

Fletcher. About three or four years.

Council. You would not scruple to assist Mr. Feilding, if he wanted a fair Lady. Look upon that letter, and see whether it be your hand-writing, or no?

Then a letter was shewn her.

Longford. If you deny it, we will prove it.

Fletcher. It is my hand-writing.

Just. Powel. Mistress, you can say no more of it.

Fletcher. No, my Lord.

Feilding. Call Mrs. Gardiner.

(Who was sworn.)

Just. Powel. What have you to say?

Gardiner. My Lord, Mrs. Villars lodged in my house; and she came one morning.

Council. When was it?

Gardiner. It was the 6th of November last was twelvemonth: She came in then, and had been abroad all night. She told me, she was married to Colonel Feilding. She gave a pair of gloves to me, and to this gentlewoman; and likewise gave favours and garters in the house. But she desired me to keep it secret. Mrs. Bradby, about a fortnight or three weeks before Christmas, came into Mrs. Villars's lodging, and happened to fall down as if she had been in a swoon; and within a few days she fell in labour.

Just. Powel. Was it a boy, or a girl, she was delivered with?

Gardiner. I was not there. It was not at my house, but at new lodgings.

Just. Powel. Where was it she was brought to bed?

Feilding. We can bring evidence of that, my Lord.

Just. Powel. Woman, how can you swear, that she was brought to bed before Christmas?

Gardiner. I may say it, my Lord, because here is one, I believe, that will swear it. Mrs. Villars herself told me so; and the midwife said she delivered her, for which Mrs. Bradby gave her a guinea. The next day

day after her fall she was very ill, and continued so till she was brought to bed.

Just. Powel. Was she big?

Gardiner. She was past breeding, she was very big.

Mrs. Drinkwater called again.

Just. Powel. What can you say of Mrs. Bradby's labour?

Drinkwater. My Lord, Mrs. Villars and I were at Mrs. Bradby's labour.

Council. When was this?

Drinkwater. To the best of my remembrance, it was about a fortnight before Christmas; but she did not look before February. I do not know, but the fall she had in Mrs. Villars's house, might be the occasion of her coming before her time.

Just. Powel. Was she delivered of a live or dead child?

Drinkwater. I do not remember that, my Lord.

Council. Was it a boy or a girl?

Drinkwater. I know not that neither.

Just. Powel. I thought verily that if you were at her labour, that you could tell whether she had a child, or no child.

Drinkwater. There were others that were at her labour, can justify that the midwife said she had a child.

Council. Do not you know what became of the child afterwards?

Drinkwater. To the best of my knowledge, I think it died as soon as it was born,

Council. Just now you said, you did not know whether it was alive or no?

Drinkwater. Here is Madam Luet will justify it.

Mrs. Villars called again.

Just. Powel. Mrs. Villars, do you know she was with child?

Villars. I know that she miscarried.

Council. What time was it?

Villars. After Christmas.

Feilding. Call the keeper of the house of correction. [Who was sworn.

Just. Powel. What can you say?

Keeper. All that I know of Mrs. Villars, is, that she was a prisoner in the house where I live.

Just. Powel. Where is that?

Keeper. In Westminster. I remember this person was in my custody above five years ago.

Just. Powel. Had she the correction of the house?

Keeper. She had not the correction of the house, because she was then with child.

Feilding. Call Mr. Minors.

[Who was sworn.

Just. Powel. Mr. Minors, what have you to say?

Minors. My Lord, in October was twelvemonth, when Mr. Feilding lodged at Mrs. Heath's, I was then with Mr. Feilding almost every day; I saw this woman there every day, except Saturday and Sunday. I dined there, and there was Mrs. Margaretta, and sung these songs which she spoke of now. Two or three days after this, Mr. Feilding communicated to me his treaty of marriage with the Duchess of Cleveland, and spoke to me to settle some writings between them. (He produced the writings.) Mr. Feilding desired me that I would be ready with them by the beginning of November, or the latter end of October. This is all I can say of this matter. As to the women, I saw these, and abundance of common women of the town: I saw him take no more notice of Mrs. Bradby, than he did of any of the others.

Just. Powel. When did you see Margaretta there?

Minors. I cannot speak to a day, but she was at dinner when I dined there about October was twelvemonth.

Feilding. Call

Feilding. Call Mr. Chomley.

[Who was sworn.

Just. Powel. What can you say?

Chomley. My Lord, not long ago there was a certain person taken up, by the name of Villars, about a twelvemonth ago.

Just. Powel. Do you know her when you see her?

Chomley. My Lord, I believe that is the person, (pointing at her) but whether she was committed or not, I cannot say. I have seen her divers times at a lewd time of night, when she ought to have been at home.

A letter produced of Father Dryan's, and shewn to Mr. Florence. (Mr. Florence sworn.)

Council. Mr. Florence, do you know this letter?

Florence. I have seen it, and given an answer to it accordingly.

Council. Is it Dryan's hand?

Florence. I cannot say positively it is his hand. There are some more of his letters in the house; I cannot believe, or disbelieve it.

Council. Could Francis Dryan speak English?

Florence. Very little.

Council. How long was he in England?

Florence. About eleven months. He hath been gone a considerable time.

Just. Powel. This Father that is now gone, did he speak English at all?

Florence. He was learning of it. Some English he could speak; for I taught him from time to time.

Just. Powel. Do you think that he could enquire for Mr. Feilding in English?

Florence. I believe he might say, is Mr. Feilding at home? but could speak little sense in English.

Just. Powel. Do you think that if he were desired to speak these words, "I take

this man for my husband," that he understood so much?

Florence. I believe he might say what another said before.

Then the Queen's council replied.

Sir James Montague. My Lord, Mr. Feilding's defence consists of two parts: First, he does endeavour to falsify his marriage with Mrs. Wadsworth, by contradicting the evidence of Mrs. Villars; and for that he calls divers to prove Mrs. Villars to be a dishonest woman. My Lord, we think there is no occasion for us to make a reply to that particular, since we ourselves do not pretend to say she is a woman of very good reputation. That which we insist upon is, that Mr. Feilding hath been imposed upon, and married this woman; and this we hope we have proved not only by Mrs. Villars's evidence, but by other concurring circumstances, which are so strong, that they cannot possibly be denied. And as to these facts, he hath not at all contradicted our evidence. For he does not so much as give your Lordship an account how he came by the ring, or for what end and purpose he bespoke it. He does not deny that he directed the posy of it to be *Tibi Soli*. So that, my Lord, he gives no manner of answer to all these matters.

In the next place, he seems to admit that he had been foolish enough to be thus imposed upon by these intriguing women: But, says he, they have not gained their point; for this imposing upon me signifies nothing, because this woman was wife to another man, when we said she was married to Mr. Feilding. Now this sort of defence does, in great measure, admit the thing we contend for, his marriage with Mrs. Wadsworth; and whether he hath made it appear that this marriage is null and void, shall be taken into consideration next, by making some few observations on the nature of the evidence that he hath produced

to prove this woman's marriage with another man. He says she is the wife of one Lilly Bradby. That man, by the book, is described to live in St. James's, and the woman to be of St. Margaret's Westminster. But he hath not so much as given you any account "that there is such a man in the world, that he would have to be the supposed husband of this woman." In the next place they have not undertaken to produce one witness that was by at this marriage, "not one witness." And what do they rely upon to prove this wedding? Truly, nothing but the Register-book; and the man that keeps the Register-book is not here. It's true, indeed, they say that it's a true register, but we desire the jury may inspect it; for it appears by divers circumstances to be a counterfeit-entry; for it is written in another character than what the rest are; and it is written in the lower part of the leaf, where we may suppose a vacancy left to insert such a thing as this is, upon occasion. The person that wrote it is not here. The whole year that is set down here, is all entirely one hand-writing; and it is not at all like the writing of this entry. I think they pretend to say, there is something of the like hand-writing in the same book; and that they make use of to be a corroborating circumstance. But that appears to be at the latter end of another book. The book is ruled, and this entry is writ below lines without a rule.

My Lord, this is what I think fit to take notice, upon the view of the thing. We had an intimation given us of this book. It was rumoured about the town that this was the defence which we were like to meet with. Therefore we did send to all places where suspicious Registers were kept, and among the rest to this Fleet-Register. My Lord, we shall shew you that our witnesses went to enquire for this book; but there they found no book where this entry was

written. It's a very unaccountable thing that this book should be concealed. Here is a woman indeed gives you a reason why she did it.—She says she did it, because she was desired to keep it secret by a woman whom she "never saw before;" and of whom she says she never "had a penny." This, methinks, is very extraordinary. But this very book was shown them, if my instructions be true, and the place where this entry is made was then a blank, and filled up since. There was no such entry at that time when they looked upon it. This is all we shall say in respect of the register, which is all the evidence they bring to prove this marriage.

But there is another thing they insist upon; they make it an objection, that this Father in Red was seen at dinner with the Duchess of Cleveland, after Mr. Feilding was married to my Lady Duchess. As to that matter, we say it does not appear when that time was; nor do they make it out that the Father in Red did know that he was married to the Duchess of Cleveland at that time; though in fact they might be married. Twenty people might be at dinner there, and yet might be ignorant of this marriage. It's possible that a man may eat and drink with another, and yet not know whether he be married or unmarried. They do not make it appear that there was any occasion given at table that would give rise to such a discourse. The man not having an opportunity to speak of it, to what end and purpose should he do it? The next thing they insist upon, and have endeavoured to prove, is, that Mrs. Feilding was with child, and brought to bed the Christmas after she was married to Mr. Feilding. But they do not pretend to tell whether the child she was brought to bed of, was dead or alive; or whether it was a boy or a girl; but at last it proved a miscarriage. We have given your Lordship an account how it is likely she should be

be with child; for we have proved to you undoubtedly that she was married to Mr. Feilding; that "they lay together several times; and we have no reason to suspect Mr. Feilding's ability. Mr. Feilding knew she was with child by him. He was the proudest man in the world of this thing, and called it "young Lord Tunbridge." To prove this, my Lord, here is a letter written by himself. The stile is something peculiar too, it is directed, To the best of Wives, Anne Countess of Feilding. Now, my Lord, Mrs. Deleau, whom Mr. Feilding thought he had married, her name is Anne, but Mrs. Feilding's name is Mary.

The Letter produced and proved by Boucher and Beale, and it was directed,

To the best of Wives, Anne Countess of Feilding, at Waddon.

Novemb. 14. 1705.

THERE is nothing can please me more upon this occasion, than to hear my dearest wife say I had made her sick, by *turning her Liver*; for without that we could not hope "for a young Lord Tunbridge;" which would be, the next to my dear herself, the most welcome "present to my arms." Make haste then, my dearest life, to "cultivate the young spark;" and be sure you don't "starve my boy." As for your coming to me, it wholly depends upon yourself, who can best judge when it is most proper to come to me; which you can do, by giving out you are to stay all night in London; and then you and Puggy have nothing to do but to come to me at bed-time, and so we may go to bed and lye till morning, when Puggy may come again and call you. Adieu my Soul's Love, whom I must ever value more than life.

Feilding.

Council. Call Mr. Longford (who was sworn.)

Sir J. Montague. Were you directed to go to the Fleet, and look into the Register-book?

Longford. Mr. Attorney-General telling me that he heard there would be some pretence of a marriage that would be set up, advised me to enquire after it. I was informed, that some certificate was, or would be given in the Fleet. I went with Mr. Rescorloe to see the books. We looked all over those months for the year 1703. This book is the very book I take it to be, but am not positive. That which we saw, I observed had an entry dated the year 1705, before the marriages in the year 1704, in yellowish ink at the top of a leaf.

Council. Call Mr. Rescorloe (who was sworn.)

Sir J. Montague. Do you remember that you saw that book?

Rescorloe. I do remember that I saw that book with Mr. Longford. Mr. Longford and I went by the Attorney General's order, to search the books at the Fleet, to see whether we could find any entry of Lilly Bradby's marriage with Mrs. Wadsworth. This woman that gave her evidence here brought in this book, and we looked back for three years. We found no such entry as she shows here in this book. We asked her again, whether there are any other books of entries of marriages? She said, no. I asked her, whether there had been any one there to see after such a certificate? She said, there was a woman and a man about a week or fortnight ago. I asked her, Whether she shewed them this book? She said, she had shewed them this book, and they gave her a shilling for searching it. She said positively there was no "such certificate" entered in the book, and there was "no other book for the entry of marriages." We searched the month of October
more

more strictly; we looked for the very certificate with the greatest care and industry that could be. We went to Bassett's house, who, this woman said, was not at home. She laughed in her sleeve, and said, he was a doating man; and if he spoke two words, he could not speak a third. I do really believe this to be the book. I took good notice of the blank where this certificate is entered, and did remark that there was a vacant space under this certificate, where was no writing. Mr. Longford and I turned back again to the year 1705, which was put before the year 1704, and observed it then, as it appears now, to be the book, except this entry. I do believe it to be the same book we then saw.

Sir *J. Montague*. There is but one thing more that I would mention, which is, that the woman in the top-knot confessed that this letter was her own hand-writing. I desire it might be read.

The letter was read. It is directed.

To Major-General Feilding.

Tuesday Morning.

ALL that know the name of Major-General Feilding, must own the generous and charitable actions that your honour daily bestows upon 'em. I, among the rest, shall ever acknowledge your goodness. It's necessity that forces me to dispose of this picture. Your honour is a nice judge of painting, as well as an admirer of such pieces, which makes me humbly present it to you first; and in accepting the same, your honour will highly oblige, as well as serve,

Your humble Servant,
M. FLETCHER.

POSTSCRIPT.

I long to see you. For your encouragement, to grant me that favour; I am now

acquainted with a young lady that's pretty, and lives in good fashion. Your honour will oblige me in letting me receive your commands.

Just. Powel. Gentlemen of the Jury, The prisoner, Mr. Robert Feilding, stands indicted for a capital offence, for felony, in marrying a second wife, his first being then alive. This is the offence charged against him. The council for the Queen have called several witnesses to prove this matter upon him. And the first is one Mrs. Villars. She hath given her evidence from one end to the other, if you believe what she swears. She swears, that one Mrs. Streights came first to her lodging, and she was not at home; but left word that she must needs speak with her; that she was always out of the way when any thing offered that would do her a kindness; and that it would be 500l. out of her way if she did not see her. It seems, that when Mrs. Streights met her, she acquainted her with Mr. Feilding's inclinations; and being informed that she was acquainted with the lady, that she used to cut her hair, thought that she might have such an interest in her, as to be made serviceable to bring the matter about; which if she was, it might be worth 500l. to her. Mrs. Villars undertakes the business to bring Mr. Feilding and Mrs. Deleau together; she did readily accept of it; thereupon Mr. Feilding and she discoursed together concerning this matter: She told him she was acquainted with Mrs. Deleau, and that she would do the best she could to bring it about. Mr. Feilding upon this went to Mrs. Deleau's country-house at Waddon in Surry, that thereby the lady might have an opportunity of seeing him. She says, Mr. Feilding told her that he had access to the gardens; that when he was there he saw the lady through the glass-window; he was willing to give the lady a full view of him, therefore

fore he stood still and set his watch by the sun-dial, and took several turns in the garden; and he did afterwards send a letter to her. Mrs. Villars was afterwards sent of a message, as though it was from the Duchess of Cleveland, to acquaint the lady that the Duchess had a great mind to see the gardens. Mrs. Deleau told Mrs. Villars that she should be proud that a person of her quality should come to her. She said that Mr. Feilding sent her, and she found afterward that the Duchess of Cleveland did not intend to go; nay, that she knew nothing of the matter. But see how she managed the matter, and played this trick upon Mr. Feilding; it is no better, if true. They agreed together that Mrs. Deleau should come to a place where Mr. Feilding should appoint; that something of music, or some entertainment should be provided; they contrived when it should be, the time was on my Lord-Mayor's Day at night, and according to appointment Mrs. Villars came with Mrs. Deleau, as Mr. Feilding thought, but in reality it was one Mary Wadsworth, which represented Mrs. Deleau; she came in a mourning coach, and dressed in a widow's habit; after this manner they came to Colonel Feilding's lodgings in Pall-Mall. The lady truly was not to know that they were Mr. Feilding's lodgings; however Mr. Feilding was not at home, but it was not long before he came: He came up to the lady: You have heard what addresses he made to the lady, and how much love he expressed towards her: Asked her, whether she loved singing? One Margareta was sent for, and sung two songs. Mr. Feilding was so taken with her, he would have married her presently; but she being coy, modestly declined it, and so they parted for that time. Mrs. Villars was to bring her afterwards, which was on the 9th of November, on the night the supposed wedding was; Mrs. Villars brought her. When she came there,

Mr. Feilding proposed to be married to her forthwith; she seemed to be shy at present, but Mr. Feilding said he would fetch the Priest immediately; he locked them in, took the key with him, and returned in three quarters of an hour; the Priest she describes to be in a long red gown lined with blue, a long beard, and a fur cap upon his head, so he brought him along with him; when he came, he said, "This is the man that should join their hearts together:" She tells you further that Mrs. Wadsworth questioned the Priest; required of him a proof to shew he was a Priest in orders. The Priest pulled a picture of the Pope out of his pocket, which he said was a credential for Priests. After supper the marriage was proposed, whether it should be in the dining-room, or bed-chamber? That was the question. The lady thought the bed-chamber best; he thought so too. Well then, in the bed-chamber it must be. The Priest did want water, salt and rosemary, things that he used in performance of the ceremony; Boucher was sent for down them; he brought up water and salt, but could get no rosemary; after these things were brought up, Boucher the servant was turned out, and the doors were shut. Then there was nobody present but Mr. Feilding, the lady, the Priest and Mrs. Villars. Then she tells you of the ceremony of the wedding, the ceremony of the water, and the ceremony of the ring. After that was done, they proceeded to the marriage; the office was in Latin; when they came to the marriage words, "I take thee to be my husband, &c." Mrs. Wadsworth desired it might be spoke in English; thereupon Mr. Feilding did say it in English, "I take this woman to be my wedded wife, with all my heart and with all my soul." The gentlewoman she said her part likewise in English. "I take this man to be my wedded husband;" but Mr. Feilding observing her to speak it too low, desired her to speak it

as earnestly as he did: Whereupon she did say, "I take this man to be my husband, with all my heart, and with all my soul." The ceremony of putting on the ring the Priest directed; that was, to take hold of the end of one of her fingers and put it on; she saw that done, and when the ceremony was over, the Priest went away; that when he was gone away, she undressed the bride, and put her to bed, and then gave notice to Mr. Feilding that the lady was in bed. Then Mr. Feilding went to bed, and "she saw them in bed together." Then she went to bed herself in a lodging that was provided for her up another pair of stairs: That the next morning she arose, came down, went into the room where there was a fire made by Boucher; that then she saw "them in naked bed together." If you believe her, she swears the marriage by this Priest, and the consummation of it. Mrs. Villars goes further, and swears, that she brought her "two other times," and that those times "she saw them in bed together as man and wife." I asked Mrs. Villars at last how Mr. Feilding came to be undeceived? She says, it was kept secret from November to May. Then money was wanted; that was a great disappointment to Mr. Feilding, for he thought he had married a lady that would have furnished him with money. Then he discovered the fraud, and found he had been imposed upon; then he was angry with her, beat her, and called her names. Indeed, gentlemen, I must deal plainly with you, if her evidence stood alone, her reputation is shaken to that degree, that in truth, where a man stands upon his life, one would not have a great regard for what such a woman swears, if it were not supported otherwise. Now, though by herself she be not a good evidence, yet the matters of fact which she swears to, are likewise proved by the concurrent testimony of others.

First, They call Boucher, and truly he fortifies her evidence in a great many particulars, gives an account of Mrs. Villars bringing Mrs. Wadsworth to Mr. Feilding's under the character of a person of quality; gives an account, just as she does, of their coming to Mr. Feilding's lodgings in a widow's habit and mourning coach; their having a treat of plumb-cake and two bottles of wine. He further gives an account of their coming a second time, and an account of the Priest; knew the Priest; knew him to be the Emperor's Envoy's Priest. He remembers the Priest coming to the place; he remembers also the circumstances of being sent for water, salt and rosemary. He says he was ordered down, and the chamber-door was shut, and the Priest was then in the chamber with Mr. Feilding, the lady, and Mrs. Villars; and that when the Priest was gone, Mr. Feilding and the lady went to bed; that "he saw them in bed together;" that the people that were below, when Boucher was sent down for salt and rosemary, they could conclude no otherwise but that they were making this lady a convert. Now, gentlemen, this is a material thing, that there was a Priest at that time, and they were private together; this is a concurrent evidence to strengthen Mrs. Villars's testimony. There is Mrs. Martin, Mrs. Heath, and Mrs. Price, they remember several of these matters perfectly well. Mrs. Martin saw this person and her mourning coach; she saw the lady and Mrs. Villars go up stairs, and the time when the Priest came in, she let him in; describes him by his particular habit as the rest do. Mrs. Heath remembers Mrs. Villars coming with a woman that she thought was a woman of quality, but saw not the Priest. Mrs. Villars told her she was worth 80,000*l*. She asked her whether she might lie there that night, for it was too late to go home? She agreed they

they should lie together, Mrs. Villars and Mrs. Wadsworth. But now here is another circumstance that hath mighty weight in it, that is, the ring; they have brought the person of whom Mr. Feilding bought the ring to the value of 20s. that the ring was ready made, and Mr. Feilding directed the posy (*Tibi Soli*) to be engraved in it. There was another man by, when Mr. Feilding bought the ring, and ordered the posy for it; and this very ring with this posy has been produced first by the Proctor and Register; the Proctor does say it was first brought to him by Mrs. Wadsworth, who came to retain him in an action of nullity of marriage; he took notice of the ring, and said that it had this posy in it. Afterwards when Mrs. Wadsworth came again he was not at home; it was in the hand of his brother, and he is sure it is the same ring. The goldsmith swears it to be that ring Mr. Feilding bought of him; he knew it by the mark and workmanship of it; for goldsmiths know one another's work. This, gentlemen, hath a great deal of weight in it; it is a very great circumstance, unless they could tell you, which they have not, upon what occasion this ring was bought at this time.

Gentlemen, they give a further account of this matter, by the testimony of letters, which they prove to be Mr. Feilding's hand. Mrs. Villars was the carrier of these letters; Mr. Feilding styling her in them by the name of Puggy, a name by which it seems he used to call her. These letters are proved by Boucher and a lady in the gallery, to be Mr. Feilding's writing. These letters have been read to you, they are written as from a husband to a wife; in them he owns her to be his wife, calls her Countess of Feilding, styles himself her husband. These letters have been read to you. This gentlemen, as I remember, is the substance of the evidence that hath been given for the Queen.

Sir J. Mountague. My Lord, be pleased to take notice of Mr. Feilding's going to the Emperor's Envoy for the Father in Red.

Just. Powel. It is true, I had forgot the evidence of Mr. Florence, a Chaplain, that is a Priest, now belonging to Count Gallas the Emperor's Envoy, and the Porter. They tell you about this time Mr. Feilding did come to enquire for this Priest; and gave the Porter half a crown (by a good token;) but the Priest he asked for, not being at home, he enquired for Mr. Florence; he told Mr. Florence that he had been in love with a young lady a good while, but now had prevailed with her to marry him. And seeing the Father in Red was not there, he desired he would go along with him and do the office. Mr. Florence told him it was improper for him to go without the Envoy's leave; he went up to the Envoy and acquainted him with it, the Envoy gave him caution to do it with discretion; but when he came down again, it seems that the Red Father had been with Mr. Feilding in the mean time, and were both gone together.

Now, gentlemen, you hear what defence Mr. Feilding makes against this great charge against him.

First, He calls a great many witnesses to prove that this Mrs. Villars was married as she pretended to Colonel Feilding, and that she was a very common woman, so far as that she had been in a public house of correction; and one of their witnesses does bear hard upon her testimony; that is, that she should declare to her that she was married to Colonel Feilding, and that my Lady Duchess should say to her, If you can make that out that you are married to Mr. Feilding, she would give her 200l. and settle 100l. a year upon her for fifteen years together. Then as for Mrs. Wadsworth, they call you divers to prove that she was brought to bed about Christmas, after

after this supposed marriage. But when they came to be examined they did not prove very much of that; for indeed it proved to be a miscarriage; the woman could not say she saw the child, could not tell whether it was a boy or a girl; whether it was dead or alive; it did not appear by their evidence that she went out her time with a child. Another part of Mr. Feilding's evidence is this, to prove Mrs. Wadsworth married to another person; and then admitting she was married to Mr. Feilding, 'tis a null marriage. To prove that Mrs. Wadsworth was before married to another, they have brought the book of Marriages of the Fleet, and in that book there is an account of one Lilly Bradby, married such a time to Mrs. Mary Wadsworth; the man of St. James's, the woman of St. Margaret's Westminster. The woman of the Fleet, in whose custody this book was, pretends that Mrs. Wadsworth came to her, and desired if any came to see the book, that she would not let them see the entry of her marriage; and why? Because there would be trouble about her marriage. This woman swears that there were two men came to search the book, but she shewed them another book; but this book she did not shew them. She was asked whether she had two books of marriages for the same year? She said she had several books for the same year: One parson made his entry in one book, and another parson in another book. She pretends she did not shew them this book; but the book she shewed them was at home. I cannot conclude much from what this woman hath said; but gentlemen you have looked upon this book, and if you are satisfied from this evidence, that Mary Wadsworth was married to Bradby at this time, I confess Mr. Feilding will not be within the statute. You have looked into the book; they give you no account that there was ever any such man as Bradby,

nor of no cohabitation; but a meer book is produced, and not of the best credit neither; it is entered in the bottom of the leaf, but not in the middle; it is written with another coloured ink, and in another hand. I asked the woman whether she knew the man that wrote it? She said, yes; and it was her husband's brother's hand. He is alive, why is not he produced?

Gentlemen, they have called no witnesses to prove the marriage with Lilly Bradby. There were two gentlemen on the other side, they went to the Fleet to search the books of the entry of this marriage. They say that a person informed them that there had been there a man and a woman before them; these gentlemen went and desired to see the book, particularly for the year 1703. They say the woman did produce the book of marriages, but they could not see such an entry; she denied to them that she had any other book for that year; they cannot swear positively that this is the book that was shewn them; but one of them says he believes it to be the same, for in that which he saw, he observed entries of the year 1705, before the year 1704. He took good notice of it, and so it is found in court. The other gentleman says, he took particular notice of the space that was in the book, where this entry is now written. Now the woman does not bring the other book she pretended to have shewn them. Now, as to the labour, they have produced a letter under Mr. Feilding's hand, whereby Mr. Feilding takes notice of her being with child, directs the letter to Anne Countess of Feilding at Waddon; he took it that he had married Mrs. Deleau, for her name is Anne, he directed his letter to her country seat. There is another thing, of Mr. Feilding's coming to Mrs. Heath, and complaining what an ill woman Mrs. Villars was, for she had served him a base trick, instead of a woman

a woman of fortune, she had put a common woman upon him. Gentleman, you have heard the account too concerning his beating of her; for this woman, it seems, was troublesome to him at Whitehall; she demanding him as her husband, said she was his lawful wife; he struck her, and caused her to be held till he got away from her.

Gentlemen, It is a very great charge, upon Mr. Feilding, it is true, if there be evidence to maintain it; it does not really depend upon Mrs. Villars's evidence; for if her evidence were to stand alone, no credit should be given to it; but as it is supported by concurring evidence, I leave it with you whether it be not sufficient to find Mr. Feilding Guilty. But if you think that Mrs. Wadsworth's marriage to Lilly Bradby is proved sufficiently, then, although you think Mr. Feilding's marriage with Mrs. Wadsworth's sufficiently proved, yet you are to find for the defendant.

The jury having withdrawn for some time, brought in their verdict, "That Mr. Feilding was guilty of the felony he stood indicted of."

Mr. Feilding, (in case he was found guilty), had obtained the Queen's warrant to suspend execution of this sentence; and then by his council took exceptions to the indictment, and moved in arrest of judgment; but they were answered by the council for the Queen; but Mr. Feilding having obtained a suspension of the execution, the Judges by a *Cur' advisare vult* (as the form is) suspended giving judgment till the next sessions, and accepted bail for Mr. Feilding's appearance the next sessions.

The next sessions, being the fifteenth of January following, Mr. Feilding appeared, and his council waving their exception (as being frivolous) he was asked what he had to say why the court should not proceed to judgment and execution? And then he

craved the "Benefit of his Clergy;" which was allowed. And then judgment was given (as usual) That he should be burnt in his hand. But he having the Queen's warrant to suspend execution, he was admitted to bail.

The Proceedings against ROBERT FEILDING, Esq. in Doctors Commons.

NOTWITHSTANDING Mr. Feilding was found guilty of felony at the Old-Baily, her Grace the Duchess of Cleveland having instituted a cause of nullity of marriage against the said Mr. Feilding, by reason of a former marriage with the said Mary Wadsworth, in the Arches Court of Canterbury; and having by examination on oath, of divers credible witnesses, made good and sufficient proof of the several articles of the libel by her Grace exhibited in the said court against the said Mr. Feilding, did proceed to obtain the sentence of the said court; and accordingly on the 23d day of May, in the year of our Lord God 1707, the Right Worshipful Sir John Cooke, Knt. Dr. of Laws, Official Principal of the said court; then judicially sitting in the Common Hall of Doctors Commons, London, being then present the Duke of Grafton, the Duke of Northumberland, the Earls of Litchfield, Suffex, Jersey, and the Lord Quarrendon; as also the respective Proctors of her Grace the Duchess of Cleveland and Mr. Feilding, did, at the petition of her Grace's Proctor, read and promulge his definitive sentence in Latin, of the tenor following, viz.

"In the name of God, Amen. We John Cooke, Knight, Doctor of Laws,
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Official

Official Principal of the Arches Court of Canterbury, lawfully appointed, rightly and duly proceeding, having heard, seen, understood, and fully and maturely discussed the merits and circumstances of a certain cause of nullity of marriage, by reason of a former, now depending before us, between the most noble Lady, Barbara Duchess of Cleveland, the party agent and complainant, on the one part; and Robert Feilding, Esq. of the parish of St. James's Westminster, in the county of Middlesex, the party against whom it is complained, on the other part. The parties aforesaid lawfully appearing before us in judgment, by their proctors respectively; and the proctor for the said most noble Lady, Barbara Duchess of Cleveland, praying sentence to be given, and justice to be done to his party; and also the proctor of the said Robert Feilding, Esq. praying justice to be done to his party; and having carefully and diligently searched into, and considered of the whole proceedings had and done before us in this court; and having observed all and singular the matters and things, that by law in this behalf ought to be observed; we have thought fit, and do thus think fit to proceed to the giving our definitive sentence, or final decree, in manner following: viz.

“ Forasmuch as we have by the Acts enacted, deduced, alledged, exhibited, propounded, proved and confessed, that the Proctor for the said most noble Lady, Barbara Duchess of Cleveland, hath fully and sufficiently proved and founded his intention in a certain libel, and other matters now remaining in the registry of this court, propounded and exhibited in this cause on the part and behalf of his said client; and that nothing hath been, on the part and behalf of the said Robert Feilding, effectually excepted, deduced, alledged, exhibited,

propounded, proved and confessed, which might, or could in any wise (touching our sentence hereafter to be pronounced) hurt or weaken the intention of the said most noble Lady, Barbara Duchess of Cleveland:

“ Therefore, we John Cooke, Knight, Doctor of Laws, the judge aforesaid, “ having first called upon God, and setting him alone before our eyes,” and having heard council thereupon; do pronounce, decree, and declare the before-named Robert Feilding, Esq. and one Mary Wadsworth, mentioned in the proceedings of this cause, being free from all contract and promise of marriage with any other, (so far as appears to us) on the ninth day of November, in the year of our Lord God, 1705, at a place mentioned in the libel in this cause, did contract marriage, and did solemnize, or procure the same to be solemnized between them; and did afterwards consummate the same: And that the said Robert Feilding and the said Mary Wadsworth were, and are man and wife. And that the said Robert Feilding, Esq. after the solemnization and consummation of the aforesaid marriage, not having the fear of God before his eyes, on the 25th day of the said month of Nov. in the said year 1705, and in the place also in the aforesaid libel mentioned, did contract a pretended marriage with the said most noble Lady, Barbara Duchess of Cleveland. And also we pronounce, decree and declare, that the said pretended marriage, or rather a shew of marriage, between the said Robert Feilding and the said most noble Lady Barbara Duchess of Cleveland, at the time and place libellated, was solemnized, or rather prophaned; the said Mary Wadsworth, alias Feilding, being then and since living. And also we pronounce, decree, and declare the same pretended marriage, or rather shew of marriage, between the said Robert Feilding and the

the said most noble Lady Barbara Duchess of Cleveland, so as aforesaid contracted and solemnized, or rather prophaned, by reason of the former marriage between the said Robert Feilding and the said Mary Wadsworth solemnized and consummated, was, and is from the beginning, void, and of no force in law, and doth and ought to want the force and the effect of the law. Therefore, by this our definitive sentence, or our final decree, which we now promulge in these our writings, we do pronounce, decree, and declare the said most noble Lady, Barbara Duchess of Cleveland, was, and is free from any bond of marriage with the said Robert Feilding, and had and hath the liberty and freedom of marrying with any other person."

The Original sentence was signed thus:

JOHN COOKE.

The aforesaid sentence having been publicly read by the judge, at the time, place, and in the manner aforesaid; the said judge did decree one or more public instrument or instruments thereof to be made, (at the petition of her Grace's proctor) by Mr. Henry Farrant, the principal register of the said court; which accordingly he hath since issued under the public seal of the office of the said judge, on the day following, viz. the 24th of May, 1707.

On Wednesday the 25th day of June, in the year of our Lord, 1707, before the Right Worshipful Sir John Cooke, Kt. and Doctor of Laws, Official Principal of the Arches Court aforesaid; in his dwelling-house at Doctors Commons; in the presence of the said Mr. Henry Farrant, Notary-public, and principal Register of the said court; Mr. Feilding, by his Proctor, did renounce all benefit of appeal from the

said sentence, in the manner following; viz.

" Appearing personally Mr. Edward Cooke, Proctor for her Grace, the most noble Lady, Barbara Duchess of Cleveland; and Mr. Thomas Willymott, Proctor for the said Robert Feilding, Esq. At which time, the said Willymott did exhibit a certain letter, or epistle, of the tenor following:" viz,

" Mr. Willymott,

WHEN the sentence is given in behalf of her Grace the Duchess of Cleveland, pray enter no instrument of appeal, for I shall proceed no further therein.

Your Friend and humble Servant,

FEILDING."

" And the said Wyllmott alledged, that the said letter was all of the proper handwriting of the said Robert Feilding; and that he the said Willymott received the said letter from the said Robert Feilding. And the said Willymott further alledged, that no appeal from the definitive sentence, given by the said judge on the part and behalf of the said most noble Lady, Barbara Duchess of Cleveland, had been, or was interposed by, or on the behalf of the said Robert Feilding. And the said Willymott, as Proctor of the said Robert Feilding, did renounce all benefit of appeal from the said sentence, in the presence of the said Cooke, as Proctor of the said most noble Lady, Barbara Duchess of Cleveland, who on the part and behalf of the said Duchess, accepted the aforesaid allegation and renunciation of the said Willymott; and then also prayed the golden ring, and seven letters, by him exhibited on the part of her Grace, and annexed to the libel in this cause, to be delivered out of the registry of this court, for the

the use of her said Grace. Whereupon the judge, at the petition of the said Cooke, (the said letters being first registered in the said court) decreed the said golden ring, and the seven letters, to be delivered to the most noble Lady, Barbara Duchefs of Cleveland, or to the said Cooke, for the

use of her Grace; as by act of the court had been expedited at the time and place aforesaid, and now remaining in the principal registry of the said court, relation being thereunto had, doth and may more fully appear."

F I N I S.

A P P E N D I X.

THERE are some circumstances which occur in the above trial that will naturally bring to the mind of almost every reader, the case of a Lady of Distinction, which is yet depending, who is to be tried before her Peers, for the same offence of Polygamy or Bigamy, as it is called, which has of late so much attracted the notice of the public.—With an abstract of this case, we shall, therefore, present our readers, as a proper supplement to that which we have already recited, and we are the rather more induced so to do, as the issue of the *former* may give some idea of what will be the ultimate result of the proceedings in the *latter*, and the consequence of the important charge which is exhibited against the supposed Dowager of the Duke of Kingston.

THE Duchess of Kingston, as she is now called, stands indicted for that she “being really, *bona fide*, the lawful wife of Augustus John Hervey, Esq. on the eighth day of March, in the ninth year of our Sovereign Lord King George the Third, &c. did (with Force and Arms) in the parish of St. George, Hanover-square, feloniously take to husband Evelyn Pierrepont, Duke of Kingston, the said Augustus John Hervey, her former hus-

band, being still alive, against the form and statute in such case made and provided, and against the peace of our said Lord the King, &c. &c.

It is well known that the Duchess's maiden name was Elizabeth Chudleigh, and that she was some time a Maid of Honour at Court.—In the month of August, 1741, this Lady was said to be married to the Hon. Augustus John Hervey, (now Earl of Bristol) there was, however, no marriage settlement made, no children were the merit of the union, and if the Hon. Gentleman and Miss Chudleigh were really joined in the bands of matrimony, it should seem that in a short time they sat very uneasy upon both parties.

It appears, however, that Mr. Hervey, for several years, at times, declared, that Miss Chudleigh was really his lawful wife, but this the Lady thought fit absolutely to deny; and the better to support such denial, in the year 1769, she instituted what is called a suit of Jactitation, in the Commons against her reputed husband, the consequence was, that the cause being tried in due form, no material evidence appearing on the behalf of Mr. Hervey, she gained her cause, and a sentence was pronounced against him; which, after the usual preamble recites, That as the Proctor of Elizabeth Chudleigh had fully proved his allegation, “and that nothing at least effec-

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tual in law, hath appeared on the part and in behalf of the said Right Hon. Augustus John Hervey, &c. Therefore we John Bettelworth, Doctor of Laws, &c. do decree and declare, that the said Elizabeth Chudleigh, at, and during all the time mentioned in the libel, given in, and now remaining in the registry of this court, was, and now is, a spinster, and free from all matrimonial contracts or espousals (as far as to us yet appears) more especially with the said Right Hon. John Augustus Hervey, and that the said Right Hon. John Augustus Hervey, notwithstanding the promises, did libellate wickedly and maliciously boast (though falsely) that he was contracted in marriage to the said Hon. Elizabeth Chudleigh, or that they were joined or contracted together in matrimony: Wherefore we do pronounce, decree, and declare, that perpetual silence must and ought to be imposed and enjoined on the said Right Hon. Augustus John Hervey, as to the premises libellate; which we do impose and enjoin him by these presents, and we do decree the said Right Hon. Augustus John Hervey to be admonished to desist from his boasting and asserting that he was contracted to, or joined with, the said Hon. Elizabeth, in matrimony, as aforesaid; and we do also pronounce, decree and declare, that the said Right Hon. Augustus John Hervey, ought, by Law, to be condemned in lawful expences, made or to be made in this case, on the part and behalf of the said Hon. Elizabeth Chudleigh, &c."

This decree was properly signed, and the expences *moderated* to the sum of one hundred pounds, besides the expences of a monition for payment. And thus the cause ended in the Spiritual Court, whose decrees in such cases some have supposed to be final.

Presuming upon this sentence, Miss Chudleigh, now declared a spinster, soon

afterwards, in the same year, 1769, was married to the Duke of Kingston, with whom she lived for above four years, during which period she was always regarded and treated as his Duchess. His Grace dying in the year 1773, left her his executrix, and bequeathed her the bulk of his immense fortune, which indeed seems the principal cause of the present prosecution.—For the Duke having a sister, Lady Frances Meadows, the family of Meadows, in *her* right, advanced certain claims, in pursuance of which, after that nobleman's death, they filed a bill in Chancery against the reputed Dowager, as being in reality the lawful wife of Augustus John Hervey, now Earl of Bristol.* This was done to set aside the jointure settled by her late Lord; to invalidate her right to which, they asserted, that they would produce evidence to prove a former marriage, and such as would set at nought the determination of the Spiritual Court, *as being obtained by collusion*, a matter which remains to be proved. They proceeded so far, however, as to institute a suit in Chancery; but the Duchess Dowager pleading the sentence already recited, in bar of their proceedings, such plea was by the Lord Chancellor admitted as a good one, on the principle of the decision of the court being final, a matter, which some alledge has never been called in question before the agitation of the present cause, which will now be referred to the highest court in the kingdom. In consequence of the proceedings commenced, in which the Earl of Bristol has not been at all active, the 20th day of November 1775, was appointed for taking into consideration the affair relative to her Grace's trial, by the House of Lords. Debates however arose both as to the propriety and as to the mode of the trial.—In regard to the first of these points, Lord Mansfield delivered his opinion against it. His

His Lordship acknowledged in his juridical capacity, that the Court of King's Bench had formerly considered the Hon. Mr. Hervey to be the husband of the Hon. Elizabeth Chudleigh, but then he observed, the marriage on which such claims were founded, having been since declared by the Spiritual Court to be no marriage. And "this (said his Lordship) I look upon as a point not to be got over in this business. For my part, I recollect no instance in which the determination of the Ecclesiastical Court has not been final and conclusive. I think it ought to be so on the present occasion; but I will not attempt to lead your Lordships on a point of such real consequence. From this general state of the question, it may be worth your Lordships while to look forward to the consequences. It will be understood by all Europe, should your Lordships think proper to have the Duchess of Kingston tried in the hall, a Lord High Steward appointed, and all the formalities consequent on that mode of trial adopted; it will be understood, I say, that something very serious may be the consequence of her possible condemnation. But let us, my Lords, before we sanction all those solemnities, look forward to the probable consequences. In the first place, though she should be found guilty of the charge of bigamy, as a Peeress, by an express act of parliament, the punishment annexed to felony, with benefit of clergy, that of being branded in the hand is remitted. This I presume so far as public example, or with a view to deter others, totally unnecessary." His Lordship then added another observation, —That if the culprit were convicted, her hereditary fortune was not aimed at, her real estate would not be forfeited, and her personal fortune, if proved to be the Countess of Bristol, would certainly come as of right, to her supposed husband, the present Earl. He also took notice, that the At-

torney-General might grant a *Noli Prosequi*, in a case of this kind, and so might the King under his Sign Manual. Having observed that it was not necessary this affair should interfere with the national business, either before or after the Christmas recess, his Lordship moved, "That Elizabeth, commonly called Duchess of Kingston, should be tried at the bar of the House on the 18th of December following, with specifying the formalities to be used on that occasion, which motion was carried accordingly. But the Duchess being taken ill on Sunday the second Day of that month, her Physicians attended by order, to make a report of the situation of her health. But when these gentlemen had returned from the bar of the House, a resolution of the committee, to whom the matter had been referred, was read, which was to this effect, "That it appears to this committee, that the trial of Elizabeth, styling herself Duchess Dowager of Kingston, ought to be had out of the Chamber of Parliament, as it is too small and inconvenient. This report occasioned a warm debate, as Lord Mansfield and some other Lords declared, "that the committee had exceeded the order of reference, and decided upon a matter not properly before them, and that precedents were in favour of the trial in the Parliament Chamber." In excuse of this, however, it was alledged, that no stretch of delegated power was aimed at on the part of the committee, but that the plan's being submitted to them, they all unanimously agreed that the Parliament Chamber was too small for the purpose, and if the trial should be had there, many inconveniencies would ensue. That whatever they did was therefore only to express their sentiments, as a ground for future consideration. The matter of precedent was likewise controverted; at the same time that it was observed that the clerk had by mistake given this resolution so offensive to some

some of the noble Lords, the *first*, when he ought to have given it the *last* place, on the list. The second resolution of the committee, related to sending the Duchess to the Tower, in case the trial should continue longer than one day; but this being debated, the order at last only stood, "That the Lady should be committed to the custody of the Usher of the Black Rod, on her appearance at the bar." Afterwards the other resolutions of the committee were agreed to, and it was ordered among other resolutions, that no person whatsoever should be admitted above the bar but a Peer of Parliament—That none should be admitted about the throne except Peers of Great Britain, not sitting in the House, and Peers eldest sons or their heirs apparent, with other usual regulations. During the whole debates of the day, Lord Mansfield was thought to have distinguished himself greatly in propriety of argument and precision of mode and expression, tho' the alteration of the motion for trying the Lady in the Chamber of Parliament, to that of trying her in Westminster-hall, was mostly thought within and without doors, to be a very proper regulation, as indeed it seemed to have been acknowledged by some of the noble Lords, who voted against it, which circumstance was merely occasioned by their apprehending an impropriety, in the apparent controul put upon the delegating Lords, by the committee of their own appointment. So that on the 14th of December, after some further debates, in which both parties gave up something to the other, it was at last resolved, "That the trial of Elizabeth, calling herself Duchess Dowager of Kingston, indicted by the name of Elizabeth Hervey, wife of Augustus John Hervey, now Earl of Bristol, and one of the Peers of this realm, be on Wednesday the 24th of January, 1776, at the bar of this House in Westminster-hall." In consequence of which

resolution, it appeared that the matter would be more public, and the many inconveniencies avoided which must arise from the narrow space that otherwise must be allotted to the numerous auditors of so remarkable a trial. It has been suggested, indeed, that the enemies of her Grace triumphed not a little in this point being thus carried; nevertheless a little reflection must convince every body that the regulation was a just one, and that in reality there could be no aggravation of the supposed disgrace to the person so tried by her Peers, and admitted to the highest privilege in this case that a subject of this land could claim.

Notwithstanding the purport of this resolution, the latter part of it was however afterwards altered, as her Grace's bad state of health in the first instance, and the time necessary for raising the scaffold, still furnished a plea for farther deferring the trial, which, accordingly, by a subsequent order stood, and now stands, postponed to the 15th day of April, when she will appear at the bar of the House of Peers to answer to the charge preferred against her, the consequence of which, however, should she be convicted, will involve no farther punishment than that of a severe reprimand, the offence being (as in the preceding trial) clergyable, and the burning in the hand of consequence always remitted to a Peer or Peers of the realm.

It was expected by some that in consequence of the legality of the measure as declared by Lord Mansfield, a *Noli Prosequi*, would have been granted by the Attorney-General, notwithstanding his acting as nominal counsel for the Crown, against her Grace; but nothing of that kind taking place, the work of raising the scaffold, &c. has proceeded, and the Lady must abide by the judgment of her country.

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In the mean time the movers of the prosecution expect, doubtless, if sentence be given against the Dowager, of measures to avail themselves of that circumstance, as a suit in Chancery had been instituted, to set aside her jointures, &c. whereas her plea of a former marriage was deemed a good one, but the final decision of the matter now standing deferred, it is reasonable to conclude, that the issue of the civil cause will depend on that of the *criminal* prosecution.

—A circumstance which the noble Lord observed in the House, and declared his opinion against criminal prosecutions, as laying a ground or foundation for civil claims, which many besides his Lordship have considered as unfair, and even dangerous in a free country. It has likewise generally been thought, that decisions of the Spiritual Court in cases of this kind, were final, and that from them there was no appeal: There is however, a material point urged, in bar of this plea, which is this;—

That the sentence, above mentioned, was obtained by collusion, a matter, it may be presumed, which will not fail, if proved, to have a great weight with the noble Judges who are to determine this matter.

—The charge, in brief, is rested on an allegation, That a certain female, who could have given material evidence concerning the lawful marriage of Miss Chudleigh to Mr. Hervey, before she became the wife of the Duke of Kingston, was, by that Lady's art, favours, and fair promises, withheld, but that the said person being since neglected by her Grace, can now be produced as good and sufficient evidence of the marriage in question, to induce the Peers of the realm to reverse a sentence which was obtained in an unfair manner, and which, for that reason alone, if there was no other objection, the sentence ought not to be considered as definitive. On the other hand it is urged, that though there have been (and consequently may be) in-

stances of collusion, yet a sentence of this nature, given in the Spiritual Court, has been, and always should be, looked upon as final, since otherwise there might be two trials for one and the same offence, as an *appeal* (properly so called) from the ecclesiastical determination, is as unprecedented, as it would be injurious. But notwithstanding all the force of this reasoning, many who seem well acquainted with the laws of the land, and the different modes of trial, are of opinion, that the House of Lords can assume to itself the right of setting aside the sentence of the Commons, and should any evident collusion appear, will actually do it upon the present occasion; which, in such case will establish a rule for future proceedings, and lay fresh disputes open to a much more public, and, as it is inferred, a more impartial decision.

The privilege of being tried by her Peers, and the crime, though deemed felony, being clergyable, are the circumstances which occasioned its being observed in the House of Lords, that the intended trial would be an useless solemnity, as no serious consequences could result from it; yet there were not wanting those in that honourable House, who looked upon a reprimand, such as the Duchess of Kingston must receive, if convicted, together with the circumstances of a trial so public, as punishment sufficient without any corporal infliction, for a person of that Lady's high dignity, who must rank as a Peers, (as it has been already observed) whether it be determined that she is the Dowager of the late Pierrepont, Duke of Kingston, or really the lawful wife of the Right Hon. Augustus John Hervey, the present Earl of Bristol.

Be this as it may, it is well known, that a Lord High Steward being necessary to this solemnity, it must consequently be expensive to the public, a matter which has been also observed upon, but could have

little weight when opposed to the arguments used upon the other side of the question, as it appeared to be resolved, in the first place, to assert the power of the Peers to bring the affair before their high tribunal; and, as in the second place, convenience naturally pointed out Westminster-hall, as the proper place for the trial.

By this mode it was further observed, that the strictest justice (and the most severe that the nature of the case would admit) must take place, if the Lady was convicted, as in that supposition, she would be convicted of a crime deeply affecting the peace and happiness of society; and should the conviction be attended with proofs of fraud and collusion, it must appear with every possible aggravation. Whereas, if on the other hand, her innocence should appear, she must certainly be happy in having that innocence made manifest and public to all the world, and none could wish in the *former* case that the matter should be done in a corner, or in the *latter*, that any of the mortifications resulting from a public trial should be mitigated or softened.

On such grounds as these the question has been carried in the House of Lords, and on such grounds the order for, and mode of, the trial, is at present justified.—The case of a Peerefs, thus charged with bigamy, is so extraordinary, that doubtless the hall will be crowded, and of how trifling a nature soever the consequences of such trial may have appeared to some, the result will be waited for with eager expectation, not only with the parties concerned, but by all such as wish to see the method of trial for offences supposed cognizable by the Ecclesiastical Court, now finally determined.—It remains to be seen, whether the House of Lords by annulling the decree given in the Spiritual Court, will render all future application to that court precarious, or whether by confirming that decree they will concur in setting aside the supposed first marriage of the Duchess, and this (according to the ideas of some) preclude every possibility of any native of these realms being obliged to bring any cause whatsoever, twice to a public trial.



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